

STATE OF NORTH CAROLINA

WAKE COUNTY

BEFORE THE DISCIPLINARY  
HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
12 D 1

THE NORTH CAROLINA STATE BAR,

Petitioner

v.

NICHOLAS A. STRATAS, Jr., Attorney,

Respondent

PETITION AND MOTION  
FOR INDEPENDENT MEDICAL  
EXAMINATION

Petitioner, complaining of Respondent, alleges and says:

1. Petitioner, the North Carolina State Bar, is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina and the rules and regulations of the North Carolina State Bar promulgated thereunder.
2. Respondent, Nicholas A. Stratas, Jr., was admitted to the North Carolina State Bar on August 18, 1984 and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the rules, regulations and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.
3. During all or a portion of the relevant periods referred to herein, Respondent was actively engaged in the private practice of law in Raleigh, Wake County, North Carolina.
4. On May 2, 2012, Petitioner filed a complaint against Respondent, 12 DHC 19, alleging that Respondent engaged in professional misconduct and seeking imposition of professional discipline.
5. During the pendency of 12 DHC 19, Respondent sent to Petitioner's counsel, to the Clerk of the Disciplinary Hearing Commission, and to the chair of the assigned hearing panel numerous highly inappropriate emails, examples of which are attached hereto as Exhibit 1.
6. The emails contained in Exhibit 1 reflect significantly impaired professional judgment, performance and competency.

7. In April, 2011, the Wake County Superior Court appointed a trustee of Respondent's law practice. The order appointing trustee reflects that at the time the order was entered, Respondent was hospitalized. The order appointing trustee is attached hereto as Exhibit 2.
8. During 2011 and 2012, Respondent was charged with numerous criminal offenses, including the following: felony larceny of an automobile, cyber stalking, stalking, felony obstruction of justice, embezzlement and larceny of personal property. Certified copies of court records reflecting these charges are attached hereto as Exhibit 3.
9. In May, 2012, Respondent pled guilty and was convicted of cyber stalking and misdemeanor larceny of an IPOD. Respondent's appeal of that conviction to Superior Court is pending. A certified copy of the court record reflecting the guilty plea and the appeal is attached hereto as Exhibit 4.
10. On September 19, 2012, Respondent filed a Motion to Continue a hearing in 12 DHC 19. The Motion to Continue contains intemperate statements about the chair of the hearing panel, impugns the character and motives of Petitioner's counsel, is 41 pages long, contains a lengthy recitation of wrongs Respondent perceives he has suffered at the hands of various people including a Superior Court judge, the chair of the assigned hearing panel, the undersigned, lawyers who once represented Respondent in criminal cases, lawyers who Respondent has consulted on various topics, and women with whom he has or had personal relationships. The Motion to Continue contains no coherent factual or legal basis for continuing the hearing. A true and accurate copy of the September 19, 2012 Motion to Continue is attached hereto as Exhibit 5.
11. The September 19, 2012 Motion to Continue reflects that Respondent has significantly impaired professional judgment, performance or competence.
12. During the September 21, 2012 hearing, Respondent could not or would not appropriately address in a coherent manner the issues the chair of the hearing panel asked him to address.
13. During the September 21, 2012 hearing, the hearing panel found probable cause to believe that Respondent is disabled within the meaning of N.C.A.C. 1B § .0103(19) and instructed the Office of Counsel of the State Bar to file this action.
14. On September 27, 2012, the Wake County Superior Court entered an Order Appointing Local Certified Forensic Evaluator to evaluate Respondent. A true and accurate copy of that Order is attached hereto as Exhibit 6.


15. Respondent's conduct indicates that his professional judgment, performance, or competence is significantly impaired.

THEREFORE, the State Bar alleges that Respondent suffers from a physical and/or mental condition that significantly impairs his professional judgment, performance, or competency to act as an attorney; that Respondent is disabled within the meaning of 27 N.C.A.C. 1B § .0103(19); and that Respondent should be transferred to disability inactive status pursuant to 27 N.C.A.C. 1B § .0118.

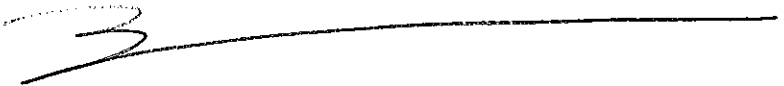
WHEREFORE, Petitioner prays for an order:

1. Requiring Respondent to undergo an examination and evaluation by medical personnel designated or approved by the hearing panel, at Respondent's expense, pursuant to 27 N.C.A.C. 1B § .0118(b)(3) and North Carolina Rule of Civil Procedure 35(a);
2. Requiring Respondent to sign and provide to the Office of Counsel releases authorizing and instructing the medical personnel who perform the examination and evaluation to provide a written report detailing the examination and evaluation and to provide a professional opinion whether Respondent is disabled within the meaning of N.C.A.C. 1B § .0103(19);
3. Determining that Respondent is disabled within the meaning of 27 N.C.A.C. 1B § .0103(19);
4. Transferring Respondent to disability inactive status, in accordance with North Carolina General Statute § 84-28(g) and 27 N.C.A.C. 1B § .0118(b)(6); and
5. Taxing the costs of this action against Respondent.

This the 4th day of October, 2012.



Margaret M. Hunt, Chair  
Grievance Committee

  
Katherine E. Jean, Counsel  
N.C. State Bar Number 12997  
P.O. Box 25908  
Raleigh, NC 27611  
(919) 828-4620  
(919) 716-9356 (facsimile)  
**Attorney for Plaintiff**

**Katherine Jean**

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**From:** Dottie Miani  
**Sent:** Friday, June 08, 2012 11:34 AM  
**To:** Katherine Jean  
**Subject:** FW: The North Carolina State Bar v. Nicholas A. Stratas, Jr. 12 DHC 19

FYI – this is the response to my email

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**From:** Nicholas A. Stratas, Jr. [<mailto:nstratas@gmail.com>]  
**Sent:** Friday, June 08, 2012 11:29 AM  
**To:** Dottie Miani  
**Cc:** Cooney III, James P.; Nicholas A. Stratas, Jr.  
**Subject:** Re: The North Carolina State Bar v. Nicholas A. Stratas, Jr. 12 DHC 19

Thanks Dottie -

I will meet with Jim and retain him next week. Tell KJ thanks for the extension and that I have not spoken to any former attorney employees except me and my son saw Jason at Chick-Fil-A and only said hi. Someone is bsing her. No offense but I would never work for the Bar unless I was Counsel. I would gladly take a lie detector test if the other lawyer will too!

Once he is retained, please write him directly.

With regards,

Nick

On Jun 8, 2012 10:56 AM, "Dottie Miani" <[DMiani@ncbar.gov](mailto:DMiani@ncbar.gov)> wrote:

Mr. Stratas,

I am attaching a copy of the letter that I mailed today to you and both of your attorneys enclosing the Order Assigning Hearing Panel And Setting Hearing And Setting Pre-hearing Conference And Pre-hearing Stipulation Date filed in the above captioned matter and the Form On Pre-hearing Conference.

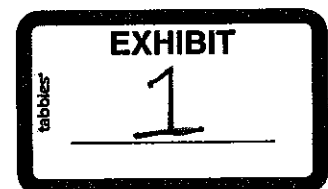
Dottie Miani, Clerk

Disciplinary Hearing Commission

P. O. Box 25908

Raleigh, NC 27611-5908

Telephone: 919/719-9268



Fax: 919/821-9168

## Katherine Jean

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**From:** Nicholas A. Stratas, Jr. [nstratas@gmail.com]  
**Sent:** Thursday, August 09, 2012 2:59 PM  
**To:** Dottie Miani  
**Cc:** Katherine Jean; Root Edmonson  
**Subject:** Re: The North Carolina State Bar v. Nicholas A. Stratas, Jr. 12DHC19 My Motion to Set Aside the Wrongfully Obtained Entry of Default and Default and Motion to Continue the September 6th hearing date.

Ms. Miani -

First, though you said you *would* respond after speaking with Katherine to my request made well *prior* to July 18, 2012, by telephone and follow up you failed to do so. Neither did she or your paralegal who told me to ask you as you screen the continuance request for Katherine as I recall. That is not fair and how I and 95 % of lawyers in North Carolina and I ask that you provide me today the DHC Chair's e-mail address and please forward this e-mail to him and the this be taken as a motion to set aside the default. Additionally, I am on Secure leave the week you noticed the hearing and I might add, with out the coustomary call or e-mail that most good, honest ethical lawyers do. That is, they work together to coordinate hearing dates as we are all busy.

You folks have not even provided the voluntary discovery requested since January and Duncan was supposed to serve you all with formal discovery requests. I may not want tofile a motion for sanctions if you folks will consent to the entry of an order sertting aside the default for good cause which was stated in a prior e-mail to Root and Katherine this week. I will forward it to you though I trust that Katherine already did. Let me know as he will need both of these e-mails. I do need the DHC chair's e-mail address and may get it myself unless you forward this motion. Thank you.

Cordially,

Nick

Nicholas A.E. Stratas, IV  
Attorney At Law  
Stratas & Weathers, LLP  
State Bar Number 12568  
2011 Stone Street  
Raleigh, North Carolina 27608

On Wed, Aug 8, 2012 at 2:34 PM, Dottie Miani <[DMiani@ncbar.gov](mailto:DMiani@ncbar.gov)> wrote:

Mr. Stratas,

Attached is copy of the Notice of hearing filed in the above captioned matter. I mailed a hard copy to your address listed in the NC State Bar's Membership records.

Dottie Miani, Clerk

Disciplinary Hearing Commission

P. O. Box 25908

Raleigh, NC 27611-5908

Telephone: 919/719-9268

Fax: 919/821-9168

## Katherine Jean

---

**From:** Nicholas A. Stratas, Jr. [nstratas@gmail.com]  
**Sent:** Thursday, August 09, 2012 7:38 PM  
**To:** Dottie Miani  
**Cc:** Root Edmonson; Katherine Jean  
**Subject:** Re: The North Carolina State Bar v. Nicholas A. Stratas, Jr. 12DHC19

Ms. Miani -

You did not attach the required Certificate of Service. I do not waive proper service. I am sure it was an oversight. My folks said no mail has yet come from the Bar but as the only answer to my e-mail to Root and Katherine was this, I guess I will receive it tomorrow. By the way, the news reporter who called about something else said she was not surprised by this whole matter from the inappropriate expulsion to divulging the existence of pending grievance without my knowledge or consent to mistating fact (s) of record to the DHC. If this is Katherin's reply, wait till you get the Motions I mentioned. I no longer think she is even remotely fair or very balanced from what someone told me today about her.

Thank you though why do I even thank you as you failed to return my call or e-mail as promised but I guess the Bar practices law different from most North Carolina lawyers which is a shame. I am truly saddened by the blatant lack of professional courtesy and rule violations. I may be retaining a former DHC Chair who is as well. He is doing a conflicts check.

On Wed, Aug 8, 2012 at 2:34 PM, Dottie Miani <[DMiani@ncbar.gov](mailto:DMiani@ncbar.gov)> wrote:

Mr. Stratas,

Attached is copy of the Notice of hearing filed in the above captioned matter. I mailed a hard copy to your address listed in the NC State Bar's Membership records.

Dottie Miani, Clerk

Disciplinary Hearing Commission

P. O. Box 25908

Raleigh, NC 27611-5908

Telephone: 919/719-9268

Fax: 919/821-9168



## Heather Pattle

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**From:** Nicholas A. Stratas, Jr. [nstratas@gmail.com]  
**Sent:** Tuesday, August 21, 2012 8:21 AM  
**To:** Barbara Conway  
**Cc:** Katherine Jean; Root Edmonson; michael@ncobxlaw.com  
**Subject:** Re: Order for Pre-Trial Conference and Notice of Pre-Trial Conference - Nicholas Stratas , - MY MOTION TO CONTINUE ALL PENDING MATTERS

Hi Barbara -

I just had a chance to fully review your e-mail and to be able to open your attachment and thank you for writing.

I do not understand how there is an Order as I never received a Motion in the mail for the same by the Bar but only an e-mail from your staff dated August 17, 2012 which I reviewed yesterday evening as I was out Friday. (I am still out of town this week as school starts the next week!) Though I have said so several times, I do not waive proper notice, etc. Please be sure you check with membership as to my correct address as Stone Street is improper. I did send the Bar written notice as well as giving verbal notice of the change made at the beginning of the month. I have not received mail from you all in weeks so want to be sure you use the Six Forks Road address.

Also, I am on secure leave through and including September 10th, 2012, not to mention my *previously* noticed heart condition. While I continue I will copy the Chair of this and my prior e-mail though this may be sufficient and I make this motion to continue this as well as the September 6, 2012 hearing for the same reason and also want to have separate independent counsel to advise and/or represent me in this serious matter and trust that all of you understand and agree. I suffer from a serious but manageable case of atrial fibrillation and have been hospitalized four times this Summer. I take no prescription medication except for my heart.

For that reason alone, even if not for my secure leave running in consecutive weeks beginning August 27th, one of my son's birthday and the start of school. (Single parent and have custody of my two children enrolled at Raleigh Broughton School and have two at Meredith College. (Going shopping with one of the girls was a delightful yet costly excursion this past Sunday.) My Internist is Todd Helton and Cardiologist, Mohit Pasi. Katherine has Doctor Pasi's letter which if she has not shared with you, she may. and I request by this e-mail Motion that she does. [A copy of this will also be served on the DHC/Bar by regular mail today unless the Chair, Mr. Michael who may work for a friend's company and may not wish to hear this matter and Katherine consent to this Motion being made via the State Bar and Mr. Michael's e-mail systems. *Please advise asap today before 3:00 p.m. if possible.*)]

I have asked all counsel to schedule all litigation matters after October 31st, 2012 for the benefit of my health and have had no problems with any. Perhaps if she and I meet or chat by phone in September, we can resolve this by consent which is always desirable in litigated matters. Finally, the attorney I am hiring was hospitalized last week. I am in Pender and Onslow Counties this week but do have a pro bono custody Order I am getting signed for a lady who works for a local Superior Court Judge. I have not practiced law as Root knows for compensation since last November. I continue to appreciate all of you with the State Bar and did enjoy my time on the 10th Grievance Committee in the 90's. I am thankful that no client has in 27 years filed a grievance (of course now that I say that I will probably get one today.) and that I am an AV rated lawyer and I continue to do work for two well-regarded Judges. I say all this to demonstrate that my heart does not incapacitate me as my colleague and Of Counsel to the firm's heart does at times. Accordingly, I am very blessed.

I meant for this e-mail to be open and honest and serve as my written notice and Motion to continue *all* pending matters pursuant to the NCSB rules. I will not notice any depositions until after the 31st of October should my Motion be granted and pledge to work with Katherine as to deposition dates as possible unless we again, sooner settle this matter. Thank you.

With best regards and thanks to all receiving this e-mail.

Nick

Nicholas A.E. Stratas, IV  
Attorney At Law  
State Bar Number 12568

Mailing Address:

6040 A Six Forks Road, Suite 330  
Raleigh, North Carolina 27609

DD: 919.818.2300

On Mon, Aug 20, 2012 at 1:06 PM, Barbara Conway <[barbara@ncobxlaw.com](mailto:barbara@ncobxlaw.com)> wrote:

Attached, please find the Order for Pre-Trial Conference and Notice of Pre-Trial Conference re: Nicholas Stratas. Hard copies are going out in today's mail.

Thank you,

Barbara Conway

Paralegal

Sharp, Michael & Graham, LLP

4417 N. Croatan Highway

P.O. Drawer 1027

Kitty Hawk, NC 27949

Telephone No. (252)261-2126 ext. 229

Facsimile No. (252)261-1640

[barbara@ncobxlaw.com](mailto:barbara@ncobxlaw.com)

Please visit our new website at [www.ncobxlaw.com](http://www.ncobxlaw.com).

## Heather Pattle

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**From:** Nicholas A. Stratas, Jr. [nstratas@gmail.com]  
**Sent:** Monday, August 27, 2012 11:16 AM  
**To:** Heather Pattle  
**Cc:** Katherine Jean; Root Edmonson; Steve Michael; mvalentine@sfiltd.com  
**Subject:** Re: Response in 12 DHC 19

Heather-

I would consent to the same tell Katherine and the doctor can write her directly if ok with her. We can have the pre-trial in September as it will help frame the issues, I don't know that I will grievance her. I just don't like somethings she did which were inappropriate. We all make mistakes. That is why Christ died for us. Tell her thanks and forward me a draft Consent Order To Continue. I will drop by and sign so yáll can get it up to Mr. Michael asap. Have a great day.

Nick

*Pardon any typos; sent fvia my wireless device!*

On Mon, Aug 27, 2012 at 10:13 AM, Heather Pattle <[HPattle@ncbar.gov](mailto:HPattle@ncbar.gov)> wrote:

Mr. Stratas,

Attached please find a copy of the State Bar's Response to "Motion to Reconsider a Continuance" filed today in 12 DHC 19. A hard copy of the response will be mailed to you today.

Sincerely,

Heather Pattle

Administrator, Office of Counsel

NC State Bar

[hpattle@ncbar.gov](mailto:hpattle@ncbar.gov)

919-828-4620 ext. 227

## Heather Pattle

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**From:** Dottie Miani  
**Sent:** Thursday, August 30, 2012 11:24 AM  
**To:** Heather Pattle  
**Subject:** FW: FW: Order Denying Motion to Reconsider Continuance of Pre-Trial Hearing and Order Granting Motion to Continue Hearing Scheduled for September 6th & 7th, 2012

FYI

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**From:** Nicholas A. Stratas, Jr. [mailto:nstratas@gmail.com]  
**Sent:** Wednesday, August 29, 2012 7:40 PM  
**To:** Katherine Jean  
**Cc:** Dottie Miani; Root Edmonson; Mark Valentine; "KP Campbell" j; Jim Klemes; Nicholas E Stratas DLFAPA MD; Steve Michael  
**Subject:** Re: FW: Order Denying Motion to Reconsider Continuance of Pre-Trial Hearing and Order Granting Motion to Continue Hearing Scheduled for September 6th & 7th, 2012

Hey guys and thanks - the 29th and 30th are fine but it may take me a day or two for my witnesses as I have 13 and believe it will be closer to 14. One of your 'key' witnesses should be charges with Larceny and Embezzlement before then. I have some depositions to take. I have told incoming counsel who agreed that I'm the best one to take them. I can't wait. We have lots of good IE we plan to use.

Let me know if you persuade Mr. Michael to put off Friday. You have my consent to chat Ex Parte as to that issue. The reporter asked me why he is not honoring my Supreme Court mandated Secure Leave when the Bar even consented. I said who knows, I have no duty to appear as my lawyer is on Secure Leave which is regarded as sacred by our high Court and subjects even a real judge to sanctions for the violation of the same. Just ask Judge S! I would hate to see it as he is a nice man from Kitty Hawk with whom we share a mutual friend who is also a lawyer who said he was surprised as Mr. Michael is usually reasonable when both sides consent as we have. In fact, let this serve as a Final Motion per the rules for him to reconsider with consent especially being the polar star guiding him not to forget that Secure Leave inherently means what it says: SECURE Leave free from oppressive tactics. Our next Motion that we will file later before Friday will be to recuse him for the appearance of bias even if not.

You might want to do a Rule 15 and get my name right ... I'll consent since you all did. . I still plan to e-mail you the signed Motions after scanning. The Judge assisting me does not believe you will prevail; neither do I. See MT 19:26. Thank you

Night!

Nick -- dictated not proofed for content or grammar to speed delivery.

NAESTV/asg

On Wed, Aug 29, 2012 at 12:34 PM, Katherine Jean <kjean@ncbar.gov> wrote:

The State Bar's witnesses and I could do the trial the following dates: September 13 & 14, September 20 & 21, November 8 & 9, November 15 & 16, November 29 & 30. Would any of those suit? I am unavailable the entire month of October.

Thanks. Katherine Jean

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**From:** Barbara Conway [mailto:[barbara@ncobxlaw.com](mailto:barbara@ncobxlaw.com)]

**Sent:** Tuesday, August 28, 2012 3:21 PM

**To:** [nstratas@gmail.com](mailto:nstratas@gmail.com); Katherine Jean

**Cc:** Dottie Miani

**Subject:** Order Denying Motion to Reconsider Continuance of Pre-Trial Hearing and Order Granting Motion to Continue Hearing Scheduled for September 6th & 7th, 2012

Thank you,

Barbara Conway

Paralegal

Sharp, Michael & Graham, LLP

4417 N. Croatan Highway

P.O. Drawer 1027

Kitty Hawk, NC 27949

Telephone No. (252)261-2126 ext. 229

Facsimile No. (252)261-1640

[barbara@ncobxlaw.com](mailto:barbara@ncobxlaw.com)

Please visit our new website at [www.ncobxlaw.com](http://www.ncobxlaw.com).

## Katherine Jean

---

**From:** Nicholas A.E. Stratas, IV [nstratas@gmail.com]  
**Sent:** Thursday, August 30, 2012 12:39 AM  
**To:** Katherine Jean; Steve Michael; Root Edmonson  
**Cc:** Mark Valentine  
**Subject:** Re: Order Denying Motion to Reconsider Continuance of Pre-Trial Hearing and Order Granting Motion to Continue Hearing Scheduled for September 6th & 7th, 2012

Fine then, I don't believe that the State Supreme Court will appreciate this blatant disregard for their mandate. Accordingly, I copy the current Chair and ask that he stand down, i.e. recuse himself or in the alternative, should he decline, for an immediate hearing on this Motion to recuse Me. Michael based upon his blatant disregard for the Supreme law of our State and apparent bias against me and toward the Bar made pursuant to the applicable law of this State as to the recusal of a Judge, Special Master or a 'Chair' of a quasi State agency deriving its power through legislative mandate and pursuant to the Federal and State Constitutions.

This Motion is respectfully submitted, this 30 th day of August, 2012.

Nick Stratas, IV  
AAL - 12458

Sent from my wireless device. Pardon any typos!

On Aug 29, 2012, at 3:17 PM, "Katherine Jean" <kjean@ncbar.gov> wrote:

Good afternoon.

Heather told me about your voice mail message asking me to join you in an effort to convince the Chair to change his ruling on your motion to continue the pretrial conference.

The Chair decided not to continue the pretrial conference. At the time he made this decision, the Chair was aware that the State Bar did not object to a short continuance of the pretrial conference. The State Bar is not willing to join in an effort to try to convince the Chair to change his mind on this ruling.

Katherine E. Jean  
Counsel  
North Carolina State Bar  
P.O. Box 25908  
Raleigh, North Carolina 27611-5908  
(919) 828-4620 x 276  
(919) 834-8156 (facsimile)

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**From:** Nicholas A.E. Stratas, IV [mailto:nstratas@gmail.com]  
**Sent:** Tuesday, August 28, 2012 4:04 PM  
**To:** Barbara Conway  
**Cc:** Katherine Jean; Dottie Miani; Steve Michael; Root Edmonson

**Subject:** Re: Order Denying Motion to Reconsider Continuance of Pre-Trial Hearing and Order Granting Motion to Continue Hearing Scheduled for September 6th & 7th, 2012

I do not understand as Katherine agreed to continue the Friday matter as well and based on that I made plans. I represent myself currently and do not understand being compelled to come of my Secure Leave. Perhaps Mr. Michael did not see Katherine's consent and my consent. I replied quickly. I do not understand why we can not wait till after September 10th so please reconsider as her Answer stated consent to continue the Friday (31st) hearing to the shortest time which I replied back was fine and September 6th date Tim after mid-November as I recall but am on a cell phone as you all are awaiting my doctor's note and otherwise, we could do the pre-trial hearing as Katherine stated. Please.

Respectfully,

Nick Stratas  
Bar Number 12568

Sent from my wireless device. Pardon any typos!

On Aug 28, 2012, at 3:20 PM, Barbara Conway <[barbara@ncobxlaw.com](mailto:barbara@ncobxlaw.com)> wrote:

Thank you,  
Barbara Conway  
Paralegal  
Sharp, Michael & Graham, LLP  
4417 N. Croatan Highway  
P.O. Drawer 1027  
Kitty Hawk, NC 27949  
Telephone No. (252)261-2126 ext. 229  
Facsimile No. (252)261-1640  
[barbara@ncobxlaw.com](mailto:barbara@ncobxlaw.com)

Please visit our new website at [www.ncobxlaw.com](http://www.ncobxlaw.com).

<bizhubb20120828151140.pdf>



STATE OF NORTH CAROLINA ~~FILED~~ IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
WAKE COUNTY 2011 DEC -1 AM 8:37 BEFORE THE SENIOR RESIDENT  
WAKE COUNTY, C.S.C. SUPERIOR COURT JUDGE OF THE  
BY: 10<sup>TH</sup> JUDICIAL DISTRICT

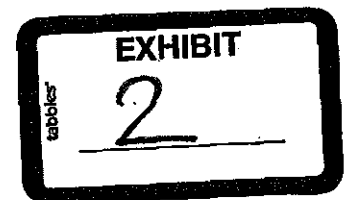
IN RE: NICHOLAS A. STRATAS,  
Attorney AT LAW

)  
) ORDER APPOINTING  
) TRUSTEE OF ATTORNEY'S  
) LAW PRACTICE  
)

THIS CAUSE coming before the Senior Resident Superior Court Judge of the 10<sup>th</sup> Judicial District, pursuant to N.C. Gen. Stat. § 84-28(j) and 27 N.C. Admin. Code Chapter 1, Subchapter B, Rule .0122 of the Discipline & Disability Rules of the North Carolina State Bar, upon a petition of the North Carolina State Bar for an order appointing a trustee of the law practice of Nicholas A. Stratas due to his unavailability to his clients; and based upon the petition before the Court, the undersigned makes the following:

#### FINDINGS OF FACT

1. According to the records of the North Carolina State Bar, Nicholas A. Stratas was licensed to practice law on August 18, 1984.
2. According to the records of the North Carolina State Bar, the last address of record for Mr. Stratas is 1550 Glenwood Avenue, Raleigh, NC 27608.
3. Mr. Stratas is currently hospitalized and is unavailable to his clients.
4. As of the date of this petition, Mr. Stratas has no partners or associates capable of winding down his law practice and ensuring that the interests of his clients are protected.
5. Mr. Stratas did not return all file materials to his clients prior to his unavailability. It is also believed that Mr. Stratas may have failed to return all funds in his attorney trust account to the owners of the funds.
6. Stacey Alayne Phipps, an attorney licensed to practice in North Carolina and a member in good standing, has indicated that she is willing to serve as trustee of the North Carolina law practice of Nicholas A. Stratas, pursuant to Section .0122 of the Discipline



& Disability Rules of the North Carolina State Bar, for purposes of protecting the interests of Mr. Stratas' clients.

7. Stacey Alayne Phipps' address is 19 W. Hargett Street, Raleigh, NC 27601.

BASED UPON THE FOREGOING FINDINGS OF FACT, the undersigned makes the following:

#### CONCLUSIONS OF LAW

1. The Court has jurisdiction of this cause pursuant to N.C. Gen. Stat. § 84-28(j).

2. Nicholas A. Stratas is unable to return to his law office and has not returned all client files. It is believed that Mr. Stratas failed to return all funds in his attorney trust account to the owners. It is therefore necessary to appoint a member of the Bar as trustee of Mr. Stratas' law practice, to gain possession of his client files, secure trust and/or fiduciary accounts, to gain possession of trust and/or fiduciary account records, and to take such actions as are necessary to protect the interests of the clients and/or former clients of Mr. Stratas.

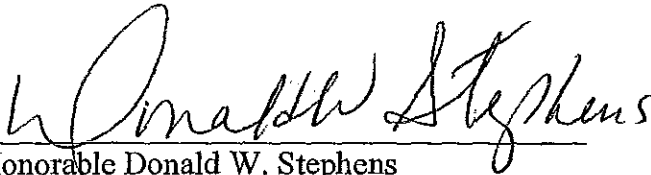
#### THE COURT THEREFORE ORDERS THAT:

1. Stacey Alayne Phipps, an attorney licensed to practice in North Carolina and a member in good standing, is hereby appointed trustee ("Trustee") of the law practice of Nicholas A. Stratas.
2. The Trustee is authorized to take such actions as are necessary to obtain possession of any known client files of Mr. Stratas and shall notify Mr. Stratas' clients of Mr. Stratas' unavailability and their need to obtain new counsel. The duties as Trustee shall include receiving calendar notices and moving for appropriate continuances in the various courts; returning files to Mr. Stratas' clients and/or former clients; obtaining all records related to Mr. Stratas' trust and/or fiduciary account(s); supervising the disbursement of funds from any trust and/or fiduciary accounts to the appropriate persons; and any other act necessary to wind down Mr. Stratas' practice and protect the interests of Mr. Stratas' clients until all known clients have secured other legal counsel, have chosen to pick up their files and have received all money held in trust for their benefit.
3. The Trustee is authorized to take such actions as are necessary to identify Mr. Stratas' trust and fiduciary accounts, as such accounts are defined in Rules 1.15-1 of the Revised Rules of Professional Conduct, and to obtain possession of Mr. Stratas' trust account and fiduciary account records. The Trustee is authorized to execute new directives regarding signatory authority over such accounts and is authorized to receive records from the banks where any trust account or fiduciary account is held. The Trustee shall take such actions as

are necessary to identify the ownership of any funds in such accounts so that the clients/beneficiaries may be reimbursed, or their funds forwarded as they may direct. The Trustee shall maintain adequate accounts of the funds held in Mr. Stratas' attorney trust or fiduciary accounts and shall account to the Court for approval annually or at the completion of the disbursement of the funds. The Trustee shall be discharged upon the completion of the Trustee's duties.

4. The trustee shall notify North Carolina State Bar Deputy Counsel A. Root Edmonson of any hearings relating to this matter.
5. This cause is retained for further orders of this Court.

This the 29 day of November, 2011.

  
\_\_\_\_\_  
Honorable Donald W. Stephens  
Senior Resident Superior Court Judge  
10<sup>th</sup> Judicial District

**WARRANT FOR ARREST**

Offense  
I CYBERSTALKING

**THE STATE OF NORTH CAROLINA VS.**

Name And Address Of Defendant  
NICHOLAS ANDREW STRATAS

1116 COWPER DR

RALEIGH NC 27608  
WAKE COUNTY (919) 818-2300

Race W	Sex M	Date Of Birth 10/07/1957	Age
-----------	----------	-----------------------------	-----

Social Security No.	Drivers License No. & State
---------------------	-----------------------------

Name Of Defendant's Employer

Offense Code(s) I 5337	Offense In Violation Of G.S. I 14-196.3
---------------------------	--

Date Of Offense  
05/05/2011 through 05/14/2011

Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card)

Complainant (Name, Address Or Department)  
C. S. WOODARD  
RALEIGH POLICE DEPARTMENT  
6716 SIX FORKS ROAD  
RALEIGH NC 27615  
WAKE COUNTY

Names & Addresses Of Witnesses (Including Counties & Telephone Nos.)

LAURIE GERRARD PERRY  
5334 THAYER DR

RALEIGH NC 27612  
WAKE COUNTY (919) 272-4554

☐ Misdemeanor Offense Which Requires  
Fingerprinting Per Fingerprint Plan

Date Issued  
05/14/2011

**STATE OF NORTH CAROLINA**

WAKE

County

In The General Court Of Justice  
District Court Division

To any officer with authority and jurisdiction to execute a warrant for arrest for the offense(s) charged below:

I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully and willfully did electronically communicate and electronically mail to LAURIE ANN GERRARD PERRY repeatedly for the purpose of abusing, annoying, threatening, terrifying, harassing and embarrassing LAURIE ANN GERRARD PERRY.



CERTIFIED TRUE COPY FROM ORIGINAL  
Clerk of Superior Court, Wake County

By: *[Signature]*  
Assistant Deputy Clerk of Superior Court

Date: 8-2-12

This act(s) was in violation of the law(s) referred to in this Warrant. This Warrant is issued upon information furnished under oath by the complainant listed. You are DIRECTED to arrest the defendant and bring the defendant before a judicial official without unnecessary delay to answer the charge(s) above.

Signature

E. R. BRIGGS

☒ Magistrate

☐ Assistant CSC

☐ Deputy CSC

☐ Clerk Of Superior Court

Location Of Court

Wake County Courthouse; 001A  
316 FAYETTEVILLE STREET  
RALEIGH, NC 27601

Court Date

06/03/2011

Court Time

09:00 ☒ AM ☐ PM



File No. <b>11CR 211653</b>		Law Enforcement Case No.	LID No.	SID No.	FBI No.
<b>WARRANT FOR ARREST</b>		<b>STATE OF NORTH CAROLINA</b>			
Offense <b>I MISDEMEANOR LARCENY</b>		<b>WAKE</b> County In The General Court Of Justice District Court Division			
<b>THE STATE OF NORTH CAROLINA VS.</b>		To any officer with authority and jurisdiction to execute a warrant for arrest for the offense(s) charged below:			
Name And Address Of Defendant <b>NICHOLAS ANDREW STRATAS</b>  <b>1116 COWPER DR</b>  <b>RALEIGH NC 27608</b> <b>WAKE COUNTY (919) 818-2300</b>		I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully and willfully did steal, take, and carry away AN IPOD TOUCH, the personal property of LAURIE ANN PERRY, such property having a value of \$200.00.			
Race <b>W</b>	Sex <b>M</b>	Date Of Birth <b>10/07/1957</b>	Age		
Social Security No.		Drivers License No. & State			
Name Of Defendant's Employer					
Offense Code(s) <b>I 2322</b>		Offense In Violation Of G.S. <b>I 14-72(A)</b>			
Date Of Offense <b>05/06/2011 through 05/06/2011</b>					
Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card)					
Complainant (Name, Address Or Department) <b>C. S. WOODARD</b> <b>RALEIGH POLICE DEPARTMENT</b> <b>6716 SIX FORKS ROAD</b> <b>RALEIGH NC 27615</b> <b>WAKE COUNTY</b>					
Names & Addresses Of Witnesses (Including Counties & Telephone Nos.) <b>LAURIE GERRARD PERRY</b> <b>5334 THAYER DR</b>  <b>RALEIGH NC 27612</b> <b>WAKE COUNTY (919) 272-4554</b>					
<input type="checkbox"/> Misdemeanor Offense Which Requires Fingerprinting Per Fingerprint Plan		Date Issued <b>05/20/2011</b>		Signature <b>WAGNER</b> <input checked="" type="checkbox"/> Magistrate <input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court	
		Location Of Court <b>Wake County Courthouse; 001A</b> <b>316 FAYETTEVILLE STREET</b> <b>RALEIGH, NC 27601</b>		Court Date <b>07/01/2011</b> Court Time <b>07:45</b> <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	

CERTIFIED TRUE COPY FROM ORIGINAL  
Clerk of Superior Court, Wake County

By:   
Assistant Deputy Clerk of Superior Court

Date: **8-2-11**

This act(s) was in violation of the law(s) referred to in this Warrant. This Warrant is issued upon information furnished under oath by the complainant listed. You are DIRECTED to arrest the defendant and bring the defendant before a judicial official without unnecessary delay to answer the charge(s) above.

(over)

ORIGINAL COPY

If this Warrant For Arrest is not served within one hundred and eighty (180) days, it must be returned to the Clerk of Court in the county in which it was issued with the reason for the failure of service noted thereon. The officer must state all steps taken by the department in attempting to execute the Warrant and any information obtained about the whereabouts of the defendant.

### RETURN OF SERVICE

I certify that this Warrant was received and served as follows:

Date Received 6/4/2011 Date Served 6/4/2011 Time Served 9:10 ☒ AM ☐ PM Date Returned

☒ By arresting the defendant and bringing the defendant before:

Name Of Judicial Official

MAGISTRATE'S OFFICE

☐ This Warrant WAS NOT served for the following reason:

Signature Of Officer Making Return Name Of Officer (Type Or Print)

CN STEWART 3354

Department Or Agency Of Officer

KALEIGH POLICE DEPT.

### REDELIVERY/REISSUANCE

Date Signature ☐ Dep. CSC ☐ Assist. CSC ☐ CSC

### RETURN FOLLOWING REDELIVERY/REISSUANCE

I certify that this Warrant was received and served as follows:

Date Received Date Served Time Served ☐ AM ☐ PM Date Returned

☐ By arresting the defendant and bringing the defendant before:

Name Of Judicial Official

[REDACTED]

☐ This Warrant WAS NOT served for the following reason:

Signature Of Officer Making Return Name Of Officer (Type Or Print)

[REDACTED]

Department Or Agency Of Officer

### APPEAL ENTRIES

☒ The defendant, in open court, gives notice of appeal to the Superior Court.

☐ The current pretrial release order is modified as follows:

Date Signature Of District Court Judge

### WAIVER OF PROBABLE CAUSE HEARING

The undersigned defendant, with the consent of his/her attorney, waives the right to a probable cause hearing.

Date Waived Signature Of Defendant

Signature Of Attorney

District Attorney

☐ Waived  
☐ Not Indigent

Attorney For Defendant

☐ Appointed  
☐ Retained

### PRIOR CONVICTIONS:

No./Level: 0 ☒ I (0) ☐ II (1-3) ☐ III (4-6)

PLEA: ☐ guilty ☐ no contest ☐ guilty ☐ no contest ☐ guilty ☐ no contest ☒ not guilty  
VERDICT: ☒ guilty ☐ guilty ☐ guilty ☐ not guilty  
M.C.L. ☐ A1 ☒ A1 ☐ 2 ☐ 3  
M.C.L. ☐ A1 ☐ 1 ☐ 2 ☐ 3  
M.C.L. ☐ A1 ☐ 1 ☐ 2 ☐ 3

JUDGMENT: The defendant appeared in open court and freely, voluntarily and understandingly entered the above plea; on the above

verdict, it is ORDERED that the defendant: ☐ pay costs and a fine of \$ \_\_\_\_\_.

☐ be imprisoned for a term of \_\_\_\_\_ days in the custody of ☐ the sheriff. ☐ DOC.\* Pretrial credit \_\_\_\_\_ days served.

☐ Work release ☐ is recommended. ☐ is not recommended. [☐ is ordered. (use form AOC-CR-602)]

☐ The Court finds that a ☐ longer ☐ shorter period of probation, than that which is specified in G.A. 15A-1343.2(d) is necessary.

☐ Execution of the sentence is suspended and the defendant is placed on unsupervised probation\* for \_\_\_\_\_ months, subject to the following conditions: (1) commit no criminal offense in any jurisdiction. (2) possess no firearm, explosive or other deadly weapon listed in G.S. 14-289. (3) remain gainfully and suitably employed or faithfully pursue a course of study or of vocational training, that will equip the defendant for suitable employment, and abide by all rules of the institution. (4) satisfy child support and family obligations, as required by the Court. (5) pay to the Clerk the costs of court and any additional sums shown below.

Fine	Restitution*	Attorney's Fee	Community Service Fee	Other
\$	\$	\$	\$	\$

\*Name(s), address(es), amount(s) & social security number(s) of aggrieved party(ies) to receive restitution:

☐ 6. complete \_\_\_\_\_ hours of community service during the first \_\_\_\_\_ days of probation, as directed by the community service coordinator, and pay the fee prescribed by G.S. 143B-262.4(b) within \_\_\_\_\_ days.

☐ 7. not be found in or on the premises of the complainant or \_\_\_\_\_.

☐ 8. not assault, communicate with or be in the presence of the complainant or \_\_\_\_\_.

☐ 9. provide a DNA sample pursuant to G.S. 15A-266.4. (AOC-CR-319)

☐ 10. Other: \_\_\_\_\_

It is ORDERED that this: ☐ Judgment is continued upon payment of costs.

☒ case be consolidated for judgment with 11 CR 211081

☐ sentence is to run at the expiration of the sentence in \_\_\_\_\_.

☒ COMMITMENT: It is ORDERED that the Clerk deliver two certified copies of this Judgment and Commitment to the sheriff and that the sheriff cause the defendant to be retained in custody to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.

PROBABLE CAUSE: ☐ Probable cause is found as to all Counts except \_\_\_\_\_, and the defendant is bound over to Superior Court for action by the grand jury. ☐ No probable cause is found as to Count(s) \_\_\_\_\_ of this Warrant, and the Count(s) is dismissed.

Date Name Of District Court Judge (Type Or Print) Signature Of District Court Judge

### CERTIFICATION

I certify that this Judgment is a true and complete copy of the original which is on file in this case.

Date Date Delivered To Sheriff Signature

☐ Deputy CSC  
☐ Assist. CSC ☐ CSC

# WARRANT FOR ARREST

## Offense

I CYBERSTALKING  
II MISDEMEANOR STALKING

## THE STATE OF NORTH CAROLINA VS.

### Name And Address Of Defendant

NICHOLAS ANDREW STRATAS

1116 COWPER DR

RALEIGH NC 27608  
WAKE COUNTY (919) 818-2300

Race	Sex	Date Of Birth	Age
W	M	10/07/1957	
Social Security No.		Drivers License No. & State	

### Name Of Defendant's Employer

Offense Code(s)	Offense In Violation Of G.S.
I 5337 II 5381	I 14-196.3 II 14-277.3A(C)

Date Of Offense  
05/13/2011 through 05/14/2011

Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card)

### Complainant (Name, Address Or Department)

C. S. WOODARD  
RALEIGH POLICE DEPARTMENT  
6716 SIX FORKS ROAD  
RALEIGH NC 27615  
WAKE COUNTY

### Names & Addresses Of Witnesses (Including Counties & Telephone Nos.)

JULIE-ELIZABETH GANNON SMITH  
424 CHESTERFIELD RD

RALEIGH NC 27608  
WAKE COUNTY (919) 422-1882



Misdemeanor Offense Which Requires  
Fingerprinting Per Fingerprint Plan

Date Issued  
05/14/2011

## STATE OF NORTH CAROLINA

WAKE

County

In The General Court Of Justice  
District Court Division

To any officer with authority and jurisdiction to execute a warrant for arrest for the offense(s) charged below:

I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully and willfully did electronically communicate to JULIE ELIZABETH GANNON SMITH repeatedly for the purpose of abusing, annoying, threatening, terrifying, harassing and embarrassing JULIE ELIZABETH GANNON SMITH.

I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully and willfully did COME TO THE VICTIM'S HOME ON 05/07/2011 UNINVITED AND ENTERED INTO THE SCREENED IN PORCH AT WHICH TIME HE SENT THE VICTIM A TEXT MESSAGE TELLING HER HE WAS ON HER PORCH WAITING FOR HER. THEN, ON 05/11/2011, THE DEFENDANT TRIED TO APPROACH THE VICTIM'S CAR AS SHE WAS DROPPING HER CHILD OFF AT SCHOOL.

CERTIFIED TRUE COPY FROM ORIGINAL  
Clerk of Superior Court, Wake County

By:   
Assistant Deputy Clerk of Superior Court

Date: 8-21-12

This act(s) was in violation of the law(s) referred to in this Warrant. This Warrant is issued upon information furnished under oath by the complainant listed. You are DIRECTED to arrest the defendant and bring the defendant before a judicial official without unnecessary delay to answer the charge(s) above.

Signature E. R. BRIGGS	Location Of Court	Court Date
<input checked="" type="checkbox"/> Magistrate <input type="checkbox"/> Assistant CSC	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Clerk Of Superior Court	Court Time <input type="checkbox"/> AM <input type="checkbox"/> PM



If this Warrant For Arrest is not served within one hundred and eighty (180) days, it must be returned to the Clerk of Court in the county in which it was issued with the reason for the failure of service noted thereon. The officer must state all steps taken by the department in attempting to execute the Warrant and any information obtained about the whereabouts of the defendant.

#### RETURN OF SERVICE

I certify that this Warrant was received and served as follows:

Date Received \_\_\_\_\_ Date Served \_\_\_\_\_ Time Served ☐ AM ☐ PM Date Returned \_\_\_\_\_

☐ By arresting the defendant and bringing the defendant before:

Name Of Judicial Official \_\_\_\_\_

☐ This Warrant WAS NOT served for the following reason:

Signature Of Officer Making Return \_\_\_\_\_ Name Of Officer (Type Or Print) \_\_\_\_\_

Department Or Agency Of Officer \_\_\_\_\_

#### REDELIVERY/REISSUANCE

Date \_\_\_\_\_ Signature \_\_\_\_\_

☐ Dep. CSC  
☐ Assist. CSC  
☐ CSC

#### RETURN FOLLOWING REDELIVERY/REISSUANCE

I certify that this Warrant was received and served as follows:

Date Received \_\_\_\_\_ Date Served \_\_\_\_\_ Time Served ☐ AM ☐ PM Date Returned \_\_\_\_\_

☐ By arresting the defendant and bringing the defendant before:

Name Of Judicial Official \_\_\_\_\_

☐ This Warrant WAS NOT served for the following reason:

Signature Of Officer Making Return \_\_\_\_\_ Name Of Officer (Type Or Print) \_\_\_\_\_

Department Or Agency Of Officer \_\_\_\_\_

#### APPEAL ENTRIES

- ☐ The defendant, in open court, gives notice of appeal to the Superior Court.  
☐ The current pretrial release order is modified as follows:

Date \_\_\_\_\_ Signature Of District Court Judge \_\_\_\_\_

#### WAIVER OF PROBABLE CAUSE HEARING

The undersigned defendant, with the consent of his/her attorney, waives the right to a probable cause hearing.

Date Waived \_\_\_\_\_ Signature Of Defendant \_\_\_\_\_

Signature Of Attorney \_\_\_\_\_

District Attorney

☐ Waived  
☐ Not Indigent

Attorney For Defendant

☐ Appointed  
☐ Retained

#### PRIOR CONVICTIONS:

No./Level: 0 ☐ I (0) ☐ II (1-4) ☐ III (5+)

PLEA: ☐ guilty ☐ no contest \_\_\_\_\_ VERDICT: ☐ guilty \_\_\_\_\_ M.C.L. ☐ A1 ☐ 1 ☐ 2 ☐ 3  
☐ guilty ☐ no contest \_\_\_\_\_ ☐ guilty \_\_\_\_\_ M.C.L. ☐ A1 ☐ 1 ☐ 2 ☐ 3  
☐ guilty ☐ no contest \_\_\_\_\_ ☐ guilty \_\_\_\_\_ M.C.L. ☐ A1 ☐ 1 ☐ 2 ☐ 3  
☐ not guilty \_\_\_\_\_ ☐ not guilty \_\_\_\_\_

JUDGMENT: The defendant appeared in open court and freely, voluntarily and understandingly entered the above plea; on the above verdict, it is ORDERED that the defendant: ☐ pay costs and a fine of \$ \_\_\_\_\_.  
☐ be imprisoned for a term of \_\_\_\_\_ days in the custody of ☐ the sheriff. ☐ DOC.\* Pretrial credit \_\_\_\_\_ days served.  
☐ Work release ☐ is recommended. ☐ is not recommended. [☐ is ordered. (use form AOC-CR-602)]  
☐ The Court finds that a ☐ longer ☐ shorter period of probation, than that which is specified in G.A. 15A-1343.2(d) is necessary.  
☐ Execution of the sentence is suspended and the defendant is placed on unsupervised probation\* for \_\_\_\_\_ months, subject to the following conditions: (1) commit no criminal offense in any jurisdiction. (2) possess no firearm, explosive or other deadly weapon listed in G.S. 14-269. (3) remain gainfully and suitably employed or faithfully pursue a course of study or of vocational training, that will equip the defendant for suitable employment, and abide by all rules of the institution. (4) satisfy child support and family obligations, as required by the Court. (5) pay to the Clerk the costs of court and any additional sums shown below.

Fine	Restitution*	Attorney's Fee	Community Service Fee	Other
\$ _____	\$ _____	\$ _____	\$ _____	\$ _____

\*Name(s), address(es), amount(s) & social security number(s) of aggrieved party(ies) to receive restitution:

- ☐ 6. complete \_\_\_\_\_ hours of community service during the first \_\_\_\_\_ days of probation, as directed by the community service coordinator, and pay the fee prescribed by G.S. 143B-262.4(b) within \_\_\_\_\_ days.  
☐ 7. not be found in or on the premises of the complainant or \_\_\_\_\_  
☐ 8. not assault, communicate with or be in the presence of the complainant or \_\_\_\_\_  
☐ 9. provide a DNA sample pursuant to G.S. 15A-266.4. (AOC-CR-319)  
☐ 10. Other: \_\_\_\_\_

It is ORDERED that this: ☐ Judgment is continued upon payment of costs.  
☐ case be consolidated for judgment with \_\_\_\_\_  
☐ sentence is to run at the expiration of the sentence in \_\_\_\_\_

☐ COMMITMENT: It is ORDERED that the Clerk deliver two certified copies of this Judgment and Commitment to the sheriff and that the sheriff cause the defendant to be retained in custody to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.

PROBABLE CAUSE: ☐ Probable cause is found as to all Counts except \_\_\_\_\_, and the defendant is bound over to Superior Court for action by the grand jury. ☐ No probable cause is found as to Count(s) \_\_\_\_\_ of this Warrant, and the Count(s) is dismissed.

Date \_\_\_\_\_ Name Of District Court Judge (Type Or Print) \_\_\_\_\_ Signature Of District Court Judge \_\_\_\_\_

#### CERTIFICATION

I certify that this Judgment is a true and complete copy of the original which is on file in this case.

Date \_\_\_\_\_ Date Delivered To Sheriff \_\_\_\_\_ Signature \_\_\_\_\_  
☐ Deputy CSC  
☐ Assist. CSC ☐ CSC

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE 11CRS 216881

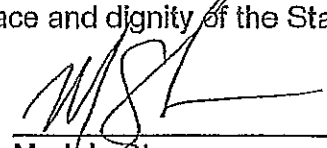
STATE OF NORTH CAROLINA )

v. )

NICHOLAS ANDREW STRATAS )  
defendant )


INDICTMENT -  
FELONY OBSTRUCTION OF JUSTICE

THE JURORS FOR THE STATE UPON THEIR OATH PRESENT allege that on or about the 1<sup>st</sup> day of July 2011, in Wake County, the defendant named above unlawfully, willfully, and feloniously obstructed justice with deceit and intent to defraud. This act was done in violation of the common law of North Carolina and against the peace and dignity of the State.

  
Mark L. Stevens  
Assistant District Attorney  
10<sup>th</sup> Prosecutorial District

 C.S. Woodard  
Witness, Raleigh Police Department

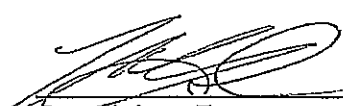
The witness marked "X" were sworn by the undersigned Foreperson of the Grand Jury and, after hearing testimony, this bill was found to be:

 A TRUE BILL by twelve or more grand jurors, and I the undersigned Foreperson of the Grand Jury, attest the concurrence of twelve or more grand jurors in this bill of indictment.

NOT A TRUE BILL

SEP 26 2011

Date

  
Grand Jury Foreperson

CERTIFIED TRUE COPY FROM ORIGINAL  
Clerk of Superior Court, Wake County

By:   
Assistant Deputy Clerk of Superior Court

Date: 8/21/12



STATE OF NORTH CAROLINA  
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE 11CRS 211082

STATE OF NORTH CAROLINA

v.

NICHOLAS ANDREW STRATAS,  
defendant

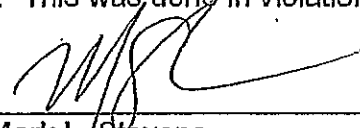
INDICTMENT –

I. CYBERSTALKING

II. STALKING (MISDEMEANOR)

I. THE JURORS FOR THE STATE UPON THEIR OATH PRESENT that on or about the days between the 1<sup>st</sup> day of May 2011 and the 15<sup>th</sup> day of May 2011 in Wake County, the defendant named above unlawfully and willfully did electronically communicate with JULIE ELIZABETH GANNON SMITH repeatedly for the purpose of abusing, annoying, threatening, harassing and embarrassing JULIE ELIZABETH GANNON SMITH. This was done in violation of NCGS §14-196.3.

II. THE JURORS FOR THE STATE UPON THEIR OATH PRESENT that on or about the days between the 1<sup>st</sup> day of May 2011 and the 15<sup>th</sup> day of May 2011 in Wake County, the defendant did engage in a series of behaviors, including coming onto her screened porch and approaching the victim's vehicle as she was dropping her child off at school, which placed the victim, JULIE ELIZABETH GANNON SMITH in fear of continued harassment, fear of her personal safety, and fear for the safety of her minor children. This was done in violation of NCGS §14-277.3A.

  
Mark L. Stevens  
Assistant District Attorney  
Tenth Prosecutorial District

  
C.S. WOODARD  
Witness, Raleigh Police Department

The witness marked "X" were sworn by the undersigned Foreperson of the Grand Jury and, after hearing testimony, this bill was found to be:

☒ A TRUE BILL by twelve or more grand jurors, and I the undersigned Foreperson of the Grand Jury, attest the concurrence of twelve or more grand jurors in this bill of indictment.

☐ NOT A TRUE BILL

SEP 26 2011

Date

CERTIFIED TRUE COPY FROM ORIGINAL  
Clerk of Superior Court, Wake County

By:   
Assistant Deputy Clerk of Superior Court

Date: 8-21-12

  
Grand Jury Foreperson



File No. <b>11 cr 21081-82</b>		Law Enforcement Case No.		LID No.	SID No.	FBI No.
<b>ORDER FOR ARREST</b>		<b>STATE OF NORTH CAROLINA</b> <u>Wake</u> County				
Offense <b>Violation of Court Order</b>		In The General Court Of Justice <input checked="" type="checkbox"/> District <input type="checkbox"/> Superior Court Division				
THE STATE OF NORTH CAROLINA VS.		To any officer with authority and jurisdiction to serve an Order For Arrest: The Court finds that:				
Name, Address & Telephone No. Of Defendant <b>Nicholas Andrew Strodas</b> <b>1116 Cowper</b> <b>Raleigh, NC 27608</b> <b>WR 828-4800 x102</b> <b>H 287-7799</b>		<input type="checkbox"/> 1. FTA - RELEASE ORDER [G.S. 15A-305(b)(2)] the defendant has been arrested and released from custody and has failed on the date shown to appear as required by the Release Order.				
Race <b>W</b> Sex <b>M</b> Date Of Birth <b>10-7-57</b> Age <b>53</b>		<input type="checkbox"/> 2. FTA - CRIMINAL SUMMONS (Do not use for infraction.) [G.S. 15A-305(b)(3)] the defendant has failed on the date shown to appear as required by a duly executed Criminal Summons.				
Social Security No. <b>1</b> Drivers License No. & State.		<input type="checkbox"/> 3. TRUE BILL OF INDICTMENT [G.S. 15A-305(b)(1)] a Grand Jury has returned a true bill of indictment against the defendant, a copy of which is attached. [Note To Arresting Officer: If this option is checked, defendant must be fingerprinted. G.S. 15A-502(a)]				
Name And Address Of Defendant's Employer		<input type="checkbox"/> 4. FTA - SHOW CAUSE AFTER FTC [G.S. 15A-305(b)(8)] the defendant has failed on the date shown to appear as required in a Show Cause Order entered in this criminal proceeding.				
Defendant Failed To Appear		<input type="checkbox"/> 5. FTA - SHOW CAUSE ORDER IN ORIGINAL CRIMINAL JUDGMENT [G.S. 15A-305(b)(8); -1362(c); -1364(a)] the defendant has failed by the date shown to pay a fine or costs or both as required by a judgment entered in this case and has also failed, as required upon such failure, to appear on that date and show cause why the defendant should not be imprisoned.				
Amount Of Bond <b>\$ 50,000</b> Type Of Bond <b>SECURED</b>		<input type="checkbox"/> 6. PROBABLE CAUSE THAT DEFENDANT MAY FAIL TO APPEAR - CIVIL CONTEMPT [G.S. 15A-305(b)(9); 5A-16] this Court has initiated plenary proceedings for contempt against the defendant under G.S. 5A-16, has issued a show cause order and finds probable cause to believe that the defendant will not appear as required in response to that order.				
TRUE BILL OF INDICTMENT ONLY		<input type="checkbox"/> 7. PROBATION VIOLATION [G.S. 15A-305(b)(4); -1345(a)] the probation officer has provided the court with a written statement, signed by the probation officer, alleging that the defendant has violated specified conditions of the defendant's probation and a copy of the written statement is attached.				
Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card)		<input checked="" type="checkbox"/> 8. Other: (specify) <b>Def sent one of the victims a text message the night before the court hearing. Def also has had an additional charge since being placed on pre-trial. Violation of PTR.</b> You are DIRECTED to take the defendant into custody and bring the defendant before a judicial official for the purpose of:				
Offense Code		Offense In Violation Of G.S.			Date Of Offense	
Date Issued		Signature <b>Jennifer M. Green</b>			Location Of Court	
Date Of Service		<input checked="" type="checkbox"/> Magistrate <input type="checkbox"/> Deputy CSC <input type="checkbox"/> District Court Judge <input type="checkbox"/> Assistant CSC <input type="checkbox"/> CSC <input type="checkbox"/> Superior Court Judge			Court Date <b>8-19-11</b> Court Time <input checked="" type="checkbox"/> AM	

CERTIFIED TRUE COPY FROM ORIGINAL  
Clerk of Superior Court, Wake County

By: **[Signature]**  
Assistant Clerk of Superior Court

If this Order For Arrest is not served within one hundred and eighty (180) days, it must be returned to the Clerk of Court in the county in which it was issued with the reason for the failure of service noted thereon. The officer must state all steps taken by his/her department in attempting to serve the order and any information obtained about the whereabouts of the defendant.

#### RETURN OF SERVICE

I certify that this Order was received and served as follows:

Date Received	Date Served	Date Returned
---------------	-------------	---------------

☐ By arresting the defendant and bringing the defendant before:

Name Of Judicial Official

☐ This Order WAS NOT served for the following reason:

Signature Of Officer Making Return

Department Or Agency Of Officer

#### REDELIVERY

Date	Signature	<input type="checkbox"/> Dep. CSC <input type="checkbox"/> Assist. CSC <input type="checkbox"/> CSC
------	-----------	---

#### RETURN FOLLOWING REDELIVERY

I certify that this Order was received and served as follows:

Date Received	Date Served	Date Returned
---------------	-------------	---------------

☐ By arresting the defendant and bringing the defendant before:

Name Of Judicial Official

☐ This Order WAS NOT served for the following reason:

Signature Of Officer Making Return

Department Or Agency Of Officer

#### APPEAL ENTRIES

- ☐ The defendant, in open court, gives notice of appeal to the Superior Court.  
☐ The current pretrial release order is modified as follows:

Date	Signature Of District Court Judge
------	-----------------------------------

#### WAIVER OF PROBABLE CAUSE HEARING

The undersigned defendant, with the consent of his/her attorney, waives the right to a probable cause hearing.

Date Waived	Signature Of Defendant
-------------	------------------------

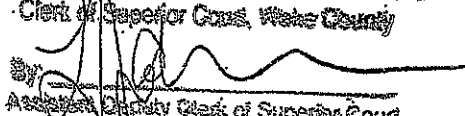
Signature Of Attorney
-----------------------

Printed on 07/21/2011 17:54 PM

File No.	11CR216881	Law Enforcement Case No.	LID No.	SID No.	FBI No.
<b>WARRANT FOR ARREST</b>		<b>STATE OF NORTH CAROLINA</b>			
Offense 1 OBSTRUCTING JUSTICE FELONY		WAKE County In The General Court Of Justice District Court Division			
THE STATE OF NORTH CAROLINA VS.		To any officer with authority and jurisdiction to execute a warrant for arrest for the offense(s) charged below:			
Name And Address Of Defendant NICHOLAS ANDREW STRATAS 1116 COWPER DR RALEIGH NC 27608 WAKE COUNTY (919) 818-2300		I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully, willfully and feloniously did IN SECRET AND WITH MALICE, AND WITH DECEIT AND INTENT TO DEFRAUD, OBSTRUCT PUBLIC JUSTICE BY COERCING ANITA STEVENS TO MAKE STATEMENTS THAT WERE UNTRUE TO A MAGISTRATE IN WAKE COUNTY THEREBY CAUSING A CRIMINAL CHARGE TO BE ISSUED BY THAT MAGISTRATE AGAINST JULIE SMITH FOR DAMAGE TO PERSONAL PROPERTY, TO WIT: 11CR 215135. THIS ACT WAS DONE IN VIOLATION OF THE COMMON LAW AND AGAINST THE PEACE AND DIGNITY OF THE STATE.			
Race	Sex	Date Of Birth	Age		
W	M	10/07/1957			
Social Security No./Tax ID No.		Drivers License No. & State			
Name Of Defendant's Employer					
Offense Code(s)		Offense In Violation Of G.S.			
1 2699		1 COMMON LAW			
Date Of Offense					
07/01/2011 through 07/01/2011					
Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card)					
Complainant (Name, Address Of Department)					
C. S. WOODARD RALEIGH POLICE DEPARTMENT 6716 SIX FORKS ROAD RALEIGH NC 27615 WAKE COUNTY					
Names & Addresses Of Witnesses (Including Counties & Telephone Nos.)					
ANITA GODWIN STEVENS 221 W HOOD ST SMITHFIELD NC 27577 JOHNSTON COUNTY (919) 965-1724					
<input checked="" type="checkbox"/> Misdemeanor Offense Which Requires Fingerprinting Per Fingerprint Plan		Date Issued 07/21/2011			
<input checked="" type="checkbox"/> Magistrate <input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court		Signature J. D. SAFERIGHT		Location Of Court	
				Court Date	
				Court Time <input type="checkbox"/> AM <input type="checkbox"/> PM	

CERTIFIED TRUE COPY FROM ORIGINAL

Clerk of Superior Court, Wake County

By:   
Assistant Deputy Clerk of Superior Court

Date: 8/2/12

This act(s) was in violation of the law(s) referred to in this Warrant. This Warrant is issued upon information furnished under oath by the complainant listed. You are DIRECTED to arrest the defendant and bring the defendant before a judicial official without unnecessary delay to answer the charge(s) above.  
per judge donald w. stephens: Appropriate monetary bond per 15a-534, EHA, no contact w/laurie perry, julie g. smith, anita stevens, def shall comply w/11cvd7717 and 11cvd7718.



If this Warrant For Arrest is not served within one hundred and eighty (180) days, it must be returned to the Clerk of Court in the county in which it was issued with the reason for the failure of service noted thereon. The officer must state all steps taken by the department in attempting to execute the Warrant and any information obtained about the whereabouts of the defendant.

#### RETURN OF SERVICE

I certify that this Warrant was received and served as follows:

Date Received	Date Served	Time Served	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Date Returned
072111	072111	2300		072111

☒ By arresting the defendant and bringing the defendant before:

Name Of Judicial Official

MAJESTRATE

☐ This Warrant WAS NOT served for the following reason:

Signature Of Officer Making Return

Name Of Officer (Type Or Print)

PAUL

TJ GOODMAN 3645

Department Or Agency Of Officer

RALEIGH POLICE DEPT

#### REDELIVERY/REISSUANCE

Date

Signature

☐ Dep. CSC  
☐ Assist. CSC  
☐ CSC

#### RETURN FOLLOWING REDELIVERY/REISSUANCE

I certify that this Warrant was received and served as follows:

Date Received	Date Served	Time Served	<input type="checkbox"/> AM <input type="checkbox"/> PM	Date Returned

☐ By arresting the defendant and bringing the defendant before:

Name Of Judicial Official

☐ This Warrant WAS NOT served for the following reason:

Signature Of Officer Making Return

Name Of Officer (Type Or Print)

Department Or Agency Of Officer

#### APPEAL ENTRIES

☐ The defendant, in open court, gives notice of appeal to the Superior Court.

☐ The current pretrial release order is modified as follows:

Date

Signature Of District Court Judge

#### WAIVER OF PROBABLE CAUSE HEARING

The undersigned defendant, with the consent of his/her attorney, waives the right to a probable cause hearing.

Date Waived

Signature Of Defendant

Signature Of Attorney

District Attorney

☐ Waived  
☐ Not Indigent

Attorney For Defendant

☐ Appointed  
☐ Retained

PRIOR CONVICTIONS:

No./Level: 0 ☐ I (0) ☐ II (1-4) ☐ III (5+)

PLEA: ☐ guilty ☐ no contest  
☐ guilty ☐ no contest  
☐ guilty ☐ no contest  
☐ not guilty

VERDICT: ☐ guilty ☐ not guilty  
☐ guilty ☐ not guilty  
☐ guilty ☐ not guilty  
☐ guilty ☐ not guilty  
M.C.L. ☐ A1 ☐ 1 ☐ 2 ☐ 3

JUDGMENT: The defendant appeared in open court and freely, voluntarily and understandingly entered the above plea; on the above verdict, it is ORDERED that the defendant: ☐ pay costs and a fine of \$ \_\_\_\_\_.  
☐ be imprisoned for a term of \_\_\_\_\_ days in the custody of ☐ the sheriff. ☐ DOC.\* Pretrial credit \_\_\_\_\_ days served.  
☐ Work release ☐ is recommended. ☐ is not recommended. ☐ is ordered. (use form AOC-CR-602)  
☐ The Court finds that a ☐ longer ☐ shorter period of probation, than that which is specified in G.A. 15A-1343.2(d) is necessary.  
☐ Execution of the sentence is suspended and the defendant is placed on unsupervised probation\* for \_\_\_\_\_ months, subject to the following conditions: (1) commit no criminal offense in any jurisdiction. (2) possess no firearm, explosive or other deadly weapon listed in G.S. 14-269. (3) remain gainfully and suitably employed or faithfully pursue a course of study or of vocational training, that will equip the defendant for suitable employment, and abide by all rules of the institution. (4) satisfy child support and family obligations, as required by the Court. (5) pay to the Clerk the costs of court and any additional sums shown below.

Fine

\$

Restitution\*

\$

Attorney's Fee

\$

Community Service Fee

\$

Other

\$

\*Name(s), address(es), and amount(s) for aggrieved party(ies) to receive restitution: (Note To Clerk: Record SSN or Tax ID No. of aggrieved party(ies) on AOC-CR-382, "Certification Of Identity (Victims' Restitution/Certification Of Identity (Witness Attendance)).")

- ☐ 6. complete \_\_\_\_\_ hours of community service during the first \_\_\_\_\_ days of probation, as directed by the community service coordinator, and pay the fee prescribed by G.S. 143B-262.4(b) within \_\_\_\_\_ days.
- ☐ 7. not be found in or on the premises of the complainant or \_\_\_\_\_
- ☐ 8. not assault, communicate with or be in the presence of the complainant or \_\_\_\_\_
- ☐ 9. provide a DNA sample pursuant to G.S. 15A-266.4. (AOC-CR-319)
- ☐ 10. Other: \_\_\_\_\_

It is ORDERED that this: ☐ Judgment is continued upon payment of costs.

☐ case be consolidated for judgment with \_\_\_\_\_

☐ sentence is to run at the expiration of the sentence in \_\_\_\_\_

☒ COMMITMENT: It is ORDERED that the Clerk deliver two certified copies of this Judgment and Commitment to the sheriff and that the sheriff cause the defendant to be retained in custody to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.

PROBABLE CAUSE: ☐ Probable cause is found as to all Counts except \_\_\_\_\_, and the defendant is bound over to Superior Court for action by the grand jury. ☐ No probable cause is found as to Count(s) \_\_\_\_\_ of this Warrant, and the Count(s) is dismissed.

Date

Name Of District Court Judge (Type Or Print)

Signature Of District Court Judge

#### CERTIFICATION

I certify that this Judgment is a true and complete copy of the original which is on file in this case.

Date

Date Delivered To Sheriff

Signature

☐ Deputy CSC  
☐ Assist. CSC ☐ Clerk

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

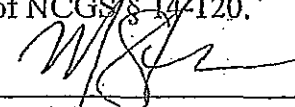
IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE 12 CRS 4532

STATE OF NORTH CAROLINA )  
)  
)  
)  
)  
NICHOLAS ANDREW STRATAS, )  
defendant )

INDICTMENT –  
I. EMBEZZLEMENT  
  
II. FORGERY

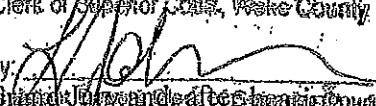
I. THE JURORS FOR THE STATE UPON THEIR OATH PRESENT that between the dates of July 7, 2010 and June 8, 2011, in Wake County, the defendant named above unlawfully, willfully and feloniously did embezzle fraudulently and knowingly misapply and convert to his own use, take away and secrete \$26,882.76 in U.S. Currency which rightfully belonged to Laura Candes. At the time of the offense, the defendant was at least 16 years of age and was acting as the trustee of the money, to wit: Defendant was victim's attorney and in that capacity did hold in trust that property belonging to victim. This act was done in violation of NCGS § 14-90.

II. THE JURORS FOR THE STATE UPON THEIR OATH PRESENT that on or about the 8<sup>th</sup> of June 2011 in Wake County, the defendant named above unlawfully, willfully, and feloniously did falsely make and forge an endorsement of LAURA CANDES on a check, USAA CHECK #69463030 SETTLEMENT CHECK FOR \$24,000.00 MADE PAYABLE TO STRATAS AND WEATHERS AND LAURA CANDES. The defendant acted for the sake of gain and with the intent to injure and defraud. This act was done in violation of NCGS § 14-120.

  
Mark L. Stevens  
Assistant District Attorney  
Tenth Prosecutorial District

✓ R. Bargfrede  
Witness, Raleigh Police Department

CERTIFIED TRUE COPY FROM ORIGINAL  
Clerk of Superior Court, Wake County

By:   
Date: 8-2-12

The witness marked "X" were sworn by the undersigned Foreperson of the Grand Jury and after hearing testimony, this bill was found to be:

       A TRUE BILL by twelve or more grand jurors, and I the undersigned Foreperson of the Grand Jury, attest the concurrence of twelve or more grand jurors in this bill of indictment.

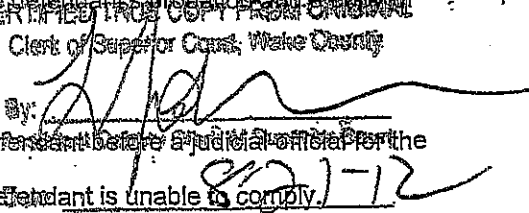
       NOT A TRUE BILL

JUN 04 2012

Date

  
Grand Jury Foreperson



File No. <b>12CRS004532</b>		<input checked="" type="checkbox"/> See Attachment		Law Enforcement Case No.	LJD No.	SID No.	FBI No.
<h2 style="margin: 0;">ORDER FOR ARREST</h2> <p># <b>12OFA660210</b></p> <p>Offense I EMBEZZLEMENT II FORGERY OF ENDORSEMENT</p> <p style="text-align: center;"><b>THE STATE OF NORTH CAROLINA VS.</b></p> <p>Name, Address &amp; Telephone No. Of Defendant <b>NICHOLAS ANDREW STRATAS</b></p> <p><b>1116 COWPER DR</b></p> <p><b>RALEIGH NC 27608</b> <b>WAKE COUNTY (919) 818-2300</b></p>				<h2 style="margin: 0;">STATE OF NORTH CAROLINA</h2> <p style="text-align: center;">WAKE County</p> <p style="text-align: right;">In The General Court Of Justice <input type="checkbox"/> District <input type="checkbox"/> Superior Court Division</p>			
				<p>To any officer with authority and jurisdiction to serve an Order For Arrest: The Court finds that:</p> <p><input type="checkbox"/> 1. FTA - RELEASE ORDER [G.S. 15A-305(b)(2)] the defendant has been arrested and released from custody and has failed on the date shown to appear as required by the Release Order. <input type="checkbox"/> This is the defendant's second or subsequent failure to appear on these charges.</p> <p><input type="checkbox"/> 2. FTA - CRIMINAL SUMMONS OR CITATION (Do not use for infraction.) [G.S. 15A-305(b)(3)] the defendant has failed on the date shown to appear as required by a duly executed Criminal Summons or by a Citation that charged the defendant with a misdemeanor.</p> <p><input checked="" type="checkbox"/> 3. TRUE BILL OF INDICTMENT [G.S. 15A-305(b)(1)] a Grand Jury has returned a true bill of indictment against the defendant, a copy of which is attached. [Note To Arresting Officer: If this option is checked, defendant must be fingerprinted. G.S. 15A-502(a).]</p> <p><input type="checkbox"/> 4. FTA - SHOW CAUSE AFTER FTC [G.S. 15A-305(b)(8)] the defendant has failed on the date shown to appear as required in a Show Cause Order entered in this criminal proceeding.</p> <p><input type="checkbox"/> 5. FTA - SHOW CAUSE ORDER IN ORIGINAL CRIMINAL JUDGMENT [G.S. 15A-305(b)(8); -1362(c); -1364(a)] the defendant has failed by the date shown to pay a fine or costs or both as required by a judgment entered in this case and has also failed, as required upon such failure, to appear on that date and show cause why the defendant should not be imprisoned.</p> <p><input type="checkbox"/> 6. PROBABLE CAUSE THAT DEFENDANT MAY FAIL TO APPEAR - CRIMINAL CONTEMPT [G.S. 15A-305(b)(9); 5A-16] this Court has initiated plenary proceedings for contempt against the defendant under G.S. 5A-16, has issued a show cause order and finds probable cause to believe that the defendant will not appear as required in response to that order.</p> <p><input type="checkbox"/> 7. PROBATION VIOLATION [G.S. 15A-305(b)(4); -1345(a)] the probation officer has provided the court with a written statement, signed by the probation officer, alleging that the defendant has violated specified conditions of the defendant's probation and a copy of the written statement is attached.</p> <p><input type="checkbox"/> 8. Other: (specify)</p>			
<p>Race: <b>W</b> Sex: <b>M</b> Date Of Birth: <b>10/07/1957</b> Age: _____</p> <p>Social Security No. _____ Drivers License No. &amp; State _____</p> <p>Name And Address Of Defendant's Employer _____</p> <p>Date Defendant Failed To Appear _____</p> <p>Amount Of Bond \$ _____ Type Of Bond <b>OFFICIAL'S DISCRETION</b></p>				<p style="text-align: right;">   <b>N LORRIN FREEMAN</b>              Clerk of Superior Court, Wake County           </p>			
<p><b>TRUE BILL OF INDICTMENT ONLY</b></p> <p>Date Of Arrest &amp; Check Digit No. (As Shown On Fingerprint Card) _____</p> <p>Offense Code: <b>I 2718</b> <b>II 2528</b></p> <p>Offense In Violation Of G.S.: <b>I 14-90</b> <b>II 14-120</b></p> <p>Date Of Offense: <b>07/07/2010</b> Date Issued: <b>06/06/2012</b></p>							
<p>Signature: <b>N LORRIN FREEMAN</b></p> <p><input type="checkbox"/> Magistrate <input type="checkbox"/> Deputy CSC <input type="checkbox"/> DC Judge <input type="checkbox"/> Asst. CSC <input checked="" type="checkbox"/> Clerk Of Superior Court <input type="checkbox"/> SC Judge</p>				<p>Location Of Court</p>		<p>Court Date</p> <p>Court Time <input type="checkbox"/> AM <input type="checkbox"/> PM</p>	

If this Order For Arrest is not served within one hundred and eighty (180) days, it must be returned to the Clerk of Court in the county in which it was issued with the reason for the failure of service noted thereon. The officer must state all steps taken by his/her department in attempting to serve the order and any information obtained about the whereabouts of the defendant.

#### RETURN OF SERVICE

I certify that this Order was received and served as follows:

Date Received	Date Served	Time Served	<input type="checkbox"/> AM <input type="checkbox"/> PM	Date Returned
---------------	-------------	-------------	--	---------------

☐ By arresting the defendant and bringing the defendant before:

Name Of Judicial Official

☐ This Order WAS NOT served for the following reason:

Signature Of Officer Making Return	Name Of Officer (Type Or Print)
------------------------------------	---------------------------------

Department Or Agency Of Officer

#### REDELIVERY/REISSUANCE

Date	Signature	<input type="checkbox"/> Dep. CSC <input type="checkbox"/> Asst. CSC <input type="checkbox"/> CSC
------	-----------	---

#### RETURN FOLLOWING REDELIVERY/REISSUANCE

I certify that this Order was received and served as follows:

Date Received	Date Served	Time Served	<input type="checkbox"/> AM <input type="checkbox"/> PM	Date Returned
---------------	-------------	-------------	--	---------------

☐ By arresting the defendant and bringing the defendant before:

Name Of Judicial Official

☐ This Order WAS NOT served for the following reason:

Signature Of Officer Making Return	Name Of Officer (Type Or Print)
------------------------------------	---------------------------------

Department Or Agency Of Officer

#### APPEAL ENTRIES

- ☐ The defendant, in open court, gives notice of appeal to the Superior Court.
- ☐ The current pretrial release order is modified as follows:

Date	Signature Of District Court Judge
------	-----------------------------------

#### WAIVER OF PROBABLE CAUSE HEARING

The undersigned defendant, with the consent of his/her attorney, waives the right to a probable cause hearing.

Date Waived	Signature Of Defendant
	Signature Of Attorney

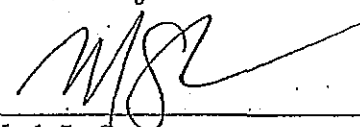
STATE OF NORTH CAROLINA  
COUNTY OF WAKE


IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE 12 CRS 5598

STATE OF NORTH CAROLINA )  
 )  
 )  
NICHOLAS ANDREW STRATAS, )  
defendant )


INDICTMENT -  
EMBEZZLEMENT

THE JURORS FOR THE STATE UPON THEIR OATH PRESENT on 2<sup>nd</sup> of March, 2010, in Wake County, the defendant named above unlawfully, willfully and feloniously did embezzle fraudulently and knowingly misapply and convert to his own use, take away and secrete \$4,285.57 in U.S. Currency which rightfully belonged to RICKY GLOVER. At the time of the offense, the defendant was at least 16 years of age and was acting as the trustee of the money, to wit: Defendant was victim's attorney and in that capacity did hold in trust that property belonging to victim. This act was done in violation of NCGS § 14-90.

  
Mark L. Stevens  
Assistant District Attorney  
Tenth Prosecutorial District

  
R. Bargfrede  
Witness, Raleigh Police Department

The witness marked "X" were sworn by the undersigned Foreperson of the Grand Jury and, after hearing testimony, this bill was found to be:

  
A **TRUE BILL** by twelve or more grand jurors, and I the undersigned Foreperson of the Grand Jury, attest the concurrence of twelve or more grand jurors in this bill of indictment.

**NOT A TRUE BILL**

JUN 04 2012

Date

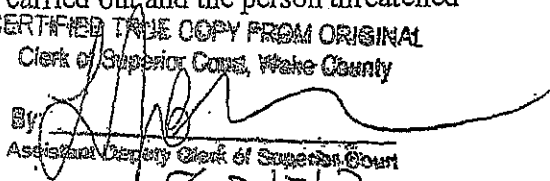
  
Grand Jury Foreperson

CERTIFIED TRUE COPY FROM ORIGINAL  
Clerk of Superior Court, Wake County

By:   
Assistant Deputy Clerk of Superior Court

Date: 



File No. <b>12CR 216729</b>		Law Enforcement Case No.		LID No.	SID No.	FBI No.
<b>WARRANT FOR ARREST</b>		<b>STATE OF NORTH CAROLINA</b>				
Offense I COMMUNICATING THREATS II COMMUNICATING THREATS		WAKE County In The General Court Of Justice District Court Division				
THE STATE OF NORTH CAROLINA VS.		To any officer with authority and jurisdiction to execute a warrant for arrest for the offense(s) charged below:				
Name And Address Of Defendant NICHOLAS ANDREW STRATAS  1116 COWPER DR  RALEIGH NC 27608 WAKE COUNTY (919) 818-2300		I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully and willfully did threaten to physically injure the person of JAMES GROSSLIGHT. The threat was communicated to JAMES GROSSLIGHT by VIA TELEPHONE; I'M GONNA COME DOWN THERE WITH THE SHERIFF AND MY 300 LB FRIEND AND WHEN I COLLECT THE JAGUAR I'M GONNA SLAP AT YOU THE WHOLE TIME. and the threat was made in a manner and under circumstances which would cause a reasonable person to believe that the threat was likely to be carried out and the person threatened believed that the threat would be carried out.				
Race W	Sex M	Date Of Birth 10/07/1957	Age			
Social Security No./Tax ID No.		Drivers License No. & State				
Name Of Defendant's Employer		I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully and willfully did threaten to physically injure the person of JAMES GROSSLIGHT. The threat was communicated to JAMES GROSSLIGHT by VIA TELEPHONE; IF YOU SAY ANYTHING TO ME OR MY SON - MY SON IS TWICE MY SIZE AND HE'S GONNA BEAT YOUR ASS IF YOU SAY A WORD TO ME OR HIM. and the threat was made in a manner and under circumstances which would cause a reasonable person to believe that the threat was likely to be carried out and the person threatened believed that the threat would be carried out.				
Offense Code(s) I 5328 II 5328		Offense In Violation Of G.S. I 14-277.1 II 14-277.1				
Date Of Offense 06/13/2012 through 06/27/2012		Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card)				
Complainant (Name, Address Or Department) C. S. WOODARD RALEIGH POLICE DEPARTMENT 6716 SIX FORKS ROAD RALEIGH NC 27615 WAKE COUNTY		CERTIFIED TRUE COPY FROM ORIGINAL Clerk of Superior Court, Wake County  By:  Assistant Deputy Clerk of Superior Court				
Names & Addresses Of Witnesses (Including Counties & Telephone Nos.) JAMES THEODORE GROSSLIGHT 514 DANIELS ST SUITE 324 RALEIGH NC 27605 WAKE COUNTY (919) 605-7000		This act(s) was in violation of the law(s) referred to in this Warrant. This Warrant is issued upon information furnished under oath by the complainant listed. You are DIRECTED to arrest the defendant and bring the defendant before a judicial official without unnecessary delay to answer the charge(s) above.				
<input type="checkbox"/> Misdemeanor Offense Which Requires Fingerprinting Per Fingerprint Plan		Date Issued 07/25/2012		Signature P. B. POWE		Location Of Court Wake County Courthouse; 001A 316 FAYETTEVILLE STREET RALEIGH, NC 27601
<input checked="" type="checkbox"/> Magistrate <input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court		Court Date 08/24/2012		Court Time 07:45 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM		



If this Warrant For Arrest is not served within one hundred and eighty (180) days, it must be returned to the Clerk of Court in the county in which it was issued with the reason for the failure of service noted thereon. The officer must state all steps taken by the department in attempting to execute the Warrant and any information obtained about the whereabouts of the defendant.

### RETURN OF SERVICE

I certify that this Warrant was received and served as follows:

Date Received \_\_\_\_\_ Date Served \_\_\_\_\_ Time Served ☐ AM ☐ PM Date Returned \_\_\_\_\_

☒ By arresting the defendant and bringing the defendant before:

Name Of Judicial Official

MAGISTRATE

☐ This Warrant WAS NOT served for the following reason:

Signature Of Officer Making Return

Name Of Officer (Type Or Print)

W.R. Sanders

W.R. Sanders

Department Or Agency Of Officer

RALPH P.D.

1520

### REDELIVERY/REISSUANCE

Date \_\_\_\_\_ Signature \_\_\_\_\_

☐ Dep. CSC  
☐ Assist. CSC  
☐ CSC

### RETURN FOLLOWING REDELIVERY/REISSUANCE

I certify that this Warrant was received and served as follows:

Date Received \_\_\_\_\_ Date Served \_\_\_\_\_ Time Served ☐ AM ☐ PM Date Returned \_\_\_\_\_

☐ By arresting the defendant and bringing the defendant before:

Name Of Judicial Official

☐ This Warrant WAS NOT served for the following reason:

Signature Of Officer Making Return

Name Of Officer (Type Or Print)

Department Or Agency Of Officer

### APPEAL ENTRIES

☐ The defendant, in open court, gives notice of appeal to the Superior Court.

☐ The current pretrial release order is modified as follows:

Date \_\_\_\_\_ Signature Of District Court Judge \_\_\_\_\_

### WAIVER OF PROBABLE CAUSE HEARING

The undersigned defendant, with the consent of his/her attorney, waives the right to a probable cause hearing.

Date Waived \_\_\_\_\_ Signature Of Defendant \_\_\_\_\_

Signature Of Attorney

District Attorney

☐ Waived  
☐ Not Indigent

Attorney For Defendant

☐ Appointed  
☐ Retained

PRIOR CONVICTIONS:

No./Level: 0 ☐ I (0) ☐ II (1-4) ☐ III (5+)

PLEA: ☐ guilty ☐ no contest  
☐ guilty ☐ no contest  
☐ guilty ☐ no contest  
☐ not guilty

VERDICT: ☐ guilty M.C.L. ☐ A1 ☐ 1 ☐ 2 ☐ 3  
☐ guilty M.C.L. ☐ A1 ☐ 1 ☐ 2 ☐ 3  
☐ guilty M.C.L. ☐ A1 ☐ 1 ☐ 2 ☐ 3  
☐ not guilty

JUDGMENT: The defendant appeared in open court and freely, voluntarily and understandingly entered the above plea; on the above verdict, it is ORDERED that the defendant: ☐ pay costs and a fine of \$ \_\_\_\_\_

☐ be imprisoned for a term of \_\_\_\_\_ days in the custody of ☐ the sheriff. ☐ DOC.\* Pretrial credit \_\_\_\_\_ days served;

☐ Work release ☐ is recommended. ☐ is not recommended. [☐ is ordered. (use form AOC-CR-602)]

☐ The Court finds that a ☐ longer ☐ shorter period of probation, than that which is specified in G.A. 15A-1343.2(d) is necessary.

☐ Execution of the sentence is suspended and the defendant is placed on unsupervised probation\* for \_\_\_\_\_ months, subject to the following conditions: (1) commit no criminal offense in any jurisdiction. (2) possess no firearm, explosive or other deadly weapon listed in G.S. 14-289. (3) remain gainfully and suitably employed or faithfully pursue a course of study or of vocational training, that will equip the defendant for suitable employment, and abide by all rules of the institution. (4) satisfy child support and family obligations, as required by the Court. (5) pay to the Clerk the costs of court and any additional sums shown below.

Fine

Restitution\*

Attorney's Fee

Community Service Fee

Other

\*Name(s), address(es), and amount(s) for aggrieved party(ies) to receive restitution: (Note To Clerk: Record SSN or Tax ID No. of aggrieved party(ies) on AOC-CR-382, "Certification Of Identity (Victims' Restitution)/Certification Of Identity (Witness Attendance).")

☐ 6. complete \_\_\_\_\_ hours of community service during the first \_\_\_\_\_ days of probation, as directed by the community service coordinator, and pay the fee prescribed by G.S. 143B-262.4(b) within \_\_\_\_\_ days.

☐ 7. not be found in or on the premises of the complainant or \_\_\_\_\_

☐ 8. not assault, communicate with or be in the presence of the complainant or \_\_\_\_\_

☐ 9. provide a DNA sample pursuant to G.S. 15A-266.4. (AOC-CR-319)

☐ 10. Other: \_\_\_\_\_

It is ORDERED that this: ☐ Judgment is continued upon payment of costs.

☐ case be consolidated for judgment with \_\_\_\_\_

☐ sentence is to run at the expiration of the sentence in \_\_\_\_\_

☒ COMMITMENT: It is ORDERED that the Clerk deliver two certified copies of this Judgment and Commitment to the sheriff and that the sheriff cause the defendant to be retained in custody to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.

PROBABLE CAUSE: ☐ Probable cause is found as to all Counts except \_\_\_\_\_, and the defendant is bound over to Superior Court for action by the grand jury. ☐ No probable cause is found as to Count(s) \_\_\_\_\_ of this Warrant, and the Count(s) is dismissed.

Date \_\_\_\_\_ Name Of District Court Judge (Type Or Print) \_\_\_\_\_

Signature Of District Court Judge \_\_\_\_\_

### CERTIFICATION

I certify that this Judgment is a true and complete copy of the original which is on file in this case.

Date \_\_\_\_\_ Date Delivered To Sheriff \_\_\_\_\_ Signature \_\_\_\_\_

☐ Deputy CSC  
☐ Assist. CSC ☐ CSC

MAGISTRATE'S ORDER			
Offense I LARCENY OF MOTOR VEHICLE (F)			
THE STATE OF NORTH CAROLINA VS.			
Name/And Address Of Defendant NICHOLAS ANDREW STRATAS  1116 COWPER DR  RALEIGH NC 27608 WAKE COUNTY (919) 818-2300			
Race	Sex	Date Of Birth	Age
W	M	10/07/1957	
Social Security No.		Drivers License No. & State	
Name Of Defendant's Employer			
Offense Code(s)		Offense In Violation Of G.S.	
I 2391		I 14-72(A)	
Date Of Offense			
07/13/2012 through 07/14/2012			
Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card)			
07/14/2012			
Arresting Officer (Name, Address Or Department)			
E M DOYLE NEW HANOVER COUNTY SHERIFFS OFFICE 3950 JUVENILE CENTER RD CASTLE HAYNE NC 28429 NEW HANOVER (910) 798-4200			
Names & Addresses Of Witnesses (Including Counties & Telephone Nos.)			
BURNETT, M W NEW HANOVER COUNTY SHERIFFS OFFICE 3950 JUVENILE CENTER RD CASTLE HAYNE NC 28429 NEW HANOVER (910) 798-4200			
<input checked="" type="checkbox"/> Misdemeanor Offense Which Requires Fingerprinting Per Fingerprint Plan		Date Issued 07/14/2012	

NEW HANOVER COUNTY SHERIFFS OFFICE	LID No.	SID No.	FBI No.
STATE OF NORTH CAROLINA NEW HANOVER County In The General Court Of Justice District Court Division			
I, the undersigned, find that the defendant named above has been arrested without a warrant and the defendant's detention is justified because there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully, willfully and feloniously did steal, take and carry away 2005 BLACK MERCEDES S430, the personal property of BALKCUM AUTO SALES (JIM BALKCUM), such property having a value of \$15,550			
This act was in violation of the law referred to in this Magistrate's Order. This Magistrate's Order is issued upon information furnished under oath by the arresting officer(s) shown. A copy of this Order has been delivered to the defendant.			
Signature		Location Of Court	
M DANIEL <i>M. Daniel</i>		New Hanover County Courthouse 316 PRINCESS ST WILMINGTON, NC 28401	
<input checked="" type="checkbox"/> Magistrate <input type="checkbox"/> Assistant CSC		<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Clerk Of Superior Court	
		Court Time 2:00 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	

District Attorney _____ <input type="checkbox"/> Waived <input type="checkbox"/> Not Indigent		Attorney For Defendant _____ <input type="checkbox"/> Appointed <input type="checkbox"/> Retained		<b>PRIOR CONVICTIONS:</b> No./Level: <u>0</u> <input type="checkbox"/> I (0) <input type="checkbox"/> II (1-4) <input type="checkbox"/> III (5+)	
PLEA: <input type="checkbox"/> guilty <input type="checkbox"/> no contest _____ <input type="checkbox"/> guilty <input type="checkbox"/> no contest _____ <input type="checkbox"/> guilty <input type="checkbox"/> no contest _____ <input type="checkbox"/> not guilty _____		VERDICT: <input type="checkbox"/> guilty _____ <input type="checkbox"/> guilty _____ <input type="checkbox"/> guilty _____ <input type="checkbox"/> not guilty _____		M.C.L. <input type="checkbox"/> A1 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 M.C.L. <input type="checkbox"/> A1 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 M.C.L. <input type="checkbox"/> A1 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	
JUDGMENT: The defendant appeared in open court and freely, voluntarily and understandingly entered the above plea; on the above verdict, it is ORDERED that the defendant: <input type="checkbox"/> pay costs and a fine of \$ _____.					
<input type="checkbox"/> be imprisoned for a term of _____ days in the custody of <input type="checkbox"/> the sheriff. <input type="checkbox"/> DOC.* Pretrial credit _____ days served.					
<input type="checkbox"/> Work release <input type="checkbox"/> is recommended. <input type="checkbox"/> is not recommended. [ <input type="checkbox"/> is ordered. (use form AOC-CR-602)]					
<input type="checkbox"/> The Court finds that a <input type="checkbox"/> longer <input type="checkbox"/> shorter period of probation, than that which is specified in G.S. 15A-1343.2(d), is necessary.					
<input type="checkbox"/> Execution of the sentence is suspended and the defendant is placed on unsupervised probation* for _____ months, subject to the following conditions: (1) commit no criminal offense in any jurisdiction. (2) possess no firearm, explosive or other deadly weapon listed in G.S. 14-269. (3) remain gainfully and suitably employed or faithfully pursue a course of study or of vocational training, that will equip the defendant for suitable employment, and abide by all rules of the institution. (4) satisfy child support and family obligations, as required by the Court. (5) pay to the Clerk the costs of court and any additional sums shown below.					
Fine		Restitution*		Attorney's Fee	
\$ _____		\$ _____		\$ _____	
				Community Service Fee	
				\$ _____	
				Other	
				\$ _____	
*Name(s), address(es), amount(s) & social security number(s) of aggrieved party(ies) to receive restitution:					
<div style="border: 1px solid black; width: 100%; height: 100%;"></div>					
<input type="checkbox"/> 6. complete _____ hours of community service during the first _____ days of probation, as directed by the community service coordinator, and pay the fee prescribed by G.S. 143B-262.4(b) within _____ days.					
<input type="checkbox"/> 7. not be found in or on the premises of the complainant or _____					
<input type="checkbox"/> 8. not assault, communicate with or be in the presence of the complainant or _____					
<input type="checkbox"/> 9. provide a DNA sample pursuant to G.S. 15A-266.4. (AOC-CR-319)					
<input type="checkbox"/> 10. Other: _____					
It is ORDERED that this: <input type="checkbox"/> Judgment is continued upon payment of costs.					
<input type="checkbox"/> case be consolidated for judgment with _____					
<input type="checkbox"/> sentence is to run at the expiration of the sentence in _____					
<input checked="" type="checkbox"/> COMMITMENT: It is ORDERED that the Clerk deliver two certified copies of this Judgment and Commitment to the sheriff and that the sheriff cause the defendant to be retained in custody to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.					
PROBABLE CAUSE: <input type="checkbox"/> Probable cause is found as to all Counts except _____, and the defendant is bound over to Superior Court for action by the grand jury. <input type="checkbox"/> No probable cause is found as to Count(s) _____ of this Magistrate's Order and the Count(s) is dismissed.					
Date _____		Name Of District Court Judge Or Magistrate (Type Or Print) _____		Signature Of District Court Judge Or Magistrate _____	
<b>WAIVER OF PROBABLE CAUSE HEARING</b>					
The undersigned defendant, with the consent of his/her attorney, waives the right to a probable cause hearing.					
Date Waived _____		Signature Of Defendant _____			
		Signature Of Attorney _____			
<b>CERTIFICATION</b>					
I certify that this Judgment is a true and complete copy of the original which is on file in this case.					
Date _____		Date Delivered To Sheriff _____		Signature _____	
				<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assist. CSC <input type="checkbox"/> CSC	

640 NEW HANOVER ICA INQUIRY 01 12CR 056892 FILM:  
PENDING R S DOB/AGE CR FILING DATE: 071412  
MAGISTRATE ORDER W M 10071957 DL#: NC  
STRATAS, NICHOLAS, ANDREW CIT#: TRIAL DATE: 083012  
1116 COWPER DR CSLR: CSLRC: AM 0302  
RALEIGH NC 27608 DEF ATTY: TYP: VRA:  
CHG/ARRN OFFN: F LARCENY OF MOTOR VEHICLE (F) 14-72(A)  
COMPLAINANT: DOYLE, E SFF ISSUED: 071412 SERVED: 071412  
OFFN DATE: 071312 ARRN DATE: MOTIONS DATE: DISP DATE:  
CONT. D: 00 S: 00 C: 00 NR: 00 RSONCO: GANG REL: DV CV: N

PLEA VER MOD FINE COSTS WCC REST JUDGE PAID TO-BE-PAID  
\$ \$ \$

CONV OFFN:  
SENT LEN: - SENT TYPE: CONS F/JGMT:  
PROB: WITHDRAWN: APPEALED TO SUPERIOR:  
AREA CD: ACCD: HWY: V LIC: TRANS TO SUPERIOR:  
CDL: N CMV: N HAZ: N TRP/DIST: V ST: V TYP: APPELLATE:

ARREST DATE: 071412 CHECK DIGIT: XH9478H SID: NC0216914A LID:  
NEXT: PF2 - NAME INQUIRY ADDL CHARGES:

A TRUE COPY  
CLERK OF SUPERIOR COURT  
NEW HANOVER COUNTY  
By: Barbara J. Bryant  
Deputy Clerk of Superior Court

*Pending Case*

# STATE OF NORTH CAROLINA

File No.

11CR 211081

1

WAKE

County

RALEIGH

Seat Of Court

In The General Court Of Justice

☒ District ☐ Superior Court Division

NOTE: [This form is to be used for misdemeanor offense(s). Use AOC-CR-342 or AOC-CR-310 for DWI offense(s).]

## STATE VERSUS

Name Of Defendant

STRATAS,NICHOLAS,ANDREW

Race

W

Sex

M

Date Of Birth

10/7/1957

Attorney For State

STEVENS,M

☐ Def. Found  
Not Indigent

☐ Def. Waived  
Attorney

Attorney For Defendant

MCMILLAN

☐ Appointed

☒ Retained

Crt Rptr Initials

TTS

The defendant ☒ pled guilty to ☐ pursuant to *Alford* to ☐ was found guilty by the Court of ☐ was found guilty by a jury of ☐ pled no contest to

File No.(s)	Off.	Offense Description	Offense Date	G.S. No.	CL.	*Pun. CL.
11CR 211081	1	CYBERSTALKING	5/5/2011	14-196.3	2	
11CR 211653	1	MISDEMEANOR LARCENY	5/6/2011	14-72(A)	1	

\*NOTE: Enter punishment class if different from underlying offense class (punishment class represents a status or enhancement).

The Court has determined, pursuant to G.S. 15A-1340.20, the number of prior convictions to be 0. Level: ☒ I (0) ☐ II (1-4) ☐ III (5+)

☐ 1. The Court finds: ☐ (a) enhancement for ☐ G.S. 90-95(e)(4) (drugs). ☐ G.S. 14-3(c) (hate crime). ☐ G.S. 14-50.22 (gang). ☐ (b) enhancement from required suspended sentence to Class 2 misdemeanor. G.S. 90-95(e)(7).

If in District Court, the Court found this issue beyond a reasonable doubt or the defendant pled guilty or no contest to this issue. If in Superior Court, this finding is based on the jury's determination of this issue beyond a reasonable doubt or the defendant's plea of guilty or no contest to this issue.

☐ 2. The Court imposes mandatory punishment pursuant to G.S. 14-33(d) (assault in the presence of a minor).

☐ 3. The Court finds the above designated offense(s) is a reportable conviction under G.S. 14-208.6 and therefore

a. Imposes the special conditions of probation set forth on the attached AOC-CR-603B, Page Two, Side Two, and

b. makes the additional findings and orders on the attached AOC-CR-615, Side Two.

☐ 4. The Court finds the above-captioned offense(s) involved the (check all that apply) ☐ physical or mental ☐ sexual abuse of a minor

(If No. 3 not found) and therefore imposes the special conditions of probation set forth on the attached AOC-CR-603B, Page Two, Side Two.

☐ 5. The Court finds this is an offense involving assault or communicating a threat, and the defendant had a personal relationship as defined by G.S. 50B-1(b) with the victim.

☐ 6. The Court finds that the above designated offense(s) involved criminal street gang activity. G.S. 14-50.25.

The Court, having considered evidence, arguments of counsel and statement of defendant, Orders that the above offenses, if more than one, be consolidated for judgment and the defendant be imprisoned for a term of 30 days in the custody of the:

☐ N.C. DAC. ☒ Sheriff of WAKE County. ☐ Other: \_\_\_\_\_

☐ Misdemeanant Confinement Program (sentences 91-180 days for which a facility is not otherwise specified above).

☐ This sentence shall run at the expiration of sentence imposed in file number \_\_\_\_\_

The defendant shall be given credit for 0 days spent in confinement prior to the date of this Judgment as a result of this charge(s), to be applied toward the ☒ sentence imposed above. ☐ imprisonment required for special probation set forth on AOC-CR-603B, Page Two.

## SUSPENSION OF SENTENCE

Subject to the conditions set out below, the execution of this sentence is suspended and the defendant is placed on

☒ supervised ☐ unsupervised probation for 12 months.

☐ 1. The Court finds that a ☐ longer ☐ shorter period of probation is necessary than that which is specified in G.S. 15A-1343.2(d).

☐ 2. The Court finds that it is NOT appropriate to delegate to the Section of Community Corrections the authority to impose any of the requirements in G.S. 15A-1343.2(e) for community punishment or G.S. 15A-1343.2(f) for intermediate punishment.

☐ 3. This period of probation shall begin ☐ when the defendant is released from incarceration ☐ at the expiration of the sentence in the case below.

File No.	Offense	County	Court	Date

☐ 4. The defendant shall comply with the conditions set forth in file number \_\_\_\_\_

☐ 5. The defendant shall provide a DNA sample pursuant to G.S. 15A-266.4. (AOC-CR-319 required)

## MONETARY CONDITIONS

The defendant shall pay to the Clerk of Superior Court the "Total Amount Due" shown below, plus the probation supervision fee, pursuant to a schedule

☒ determined by the probation officer. ☐ set out by the court as follows: \_\_\_\_\_

INSTALL IN COST

Costs	Fine	Restitution*	Attorney's Fees	Comm. Service Fee	EHA Fee	SBM Fee	Miscellaneous	Total Amount Due
\$ 200.00	\$	\$	\$	\$	\$	\$	\$	\$ 200.00

\*See attached "Restitution Worksheet, Notice And Order (Initial Sentencing)," AOC-CR-611, which is incorporated by reference.

☐ The Court finds just cause to waive costs.

☐ Upon payment of the "Total Amount Due," the probation officer may transfer the defendant to unsupervised probation.

CLERK OF SUPERIOR COURT, WAKE COUNTY  
By: \_\_\_\_\_  
Assistant Deputy Clerk of Superior Court

Date: 8-2-12

AOC-CR-  
© 2012 A



Material opposite unmarked squares is to be disregarded as surplusage.  
(Over)

# **REGULAR CONDITIONS OF PROBATION - G.S. 15A-1343(b)**

**NOTE:** Any probationary judgment may be extended pursuant to G.S. 15A-1342. The defendant shall: (1) Commit no criminal offense in any jurisdiction. (2) Possess no firearm, explosive device or other deadly weapon listed in G.S. 14-269. (3) Remain gainfully and suitably employed or faithfully pursue a course of study or vocational training, that will equip the defendant for suitable employment, and abide by all rules of the institution. (4) Satisfy child support and family obligations, as required by the Court.

**If the defendant is on supervised probation, the defendant shall also:** (5) Remain within the jurisdiction of the Court unless granted written permission to leave by the Court or the probation officer. (6) Report as directed by the Court or the probation officer to the officer at reasonable times and places and in a reasonable manner, permit the officer to visit at reasonable times, answer all reasonable inquiries by the officer and obtain prior approval from the officer for, and notify the officer of, any change in address or employment. (7) Notify the probation officer if the defendant fails to obtain or retain satisfactory employment. (8) At a time to be designated by the probation officer, visit with the probation officer a facility maintained by the Section of Prisons. (9) Submit at reasonable times to warrantless searches by a probation officer of the defendant's person and of the defendant's vehicle and premises while the defendant is present, for purposes directly related to the probation supervision, but the defendant may not be required to submit to any other search that would otherwise be unlawful. Whenever the warrantless search consists of testing for the presence of illegal drugs, the defendant may be required to reimburse the Division of Adult Correction for the actual cost of drug screening and drug testing, if the results are positive. (10) Submit to warrantless searches by a law enforcement officer of the defendant's person and of the defendant's vehicle, upon a reasonable suspicion that the defendant is engaged in criminal activity or is in possession of a firearm, explosive device, or other deadly weapon listed in G.S. 14-269 without written permission of the court. (11) Not use, possess, or control any illegal drug or controlled substance unless it has been prescribed for the defendant by a licensed physician and is in the original container with the prescription number affixed on it; not knowingly associate with any known or previously convicted users, possessors, or sellers of any such illegal drugs or controlled substances; and not knowingly be present at or frequent any place where such illegal drugs or controlled substances are sold, kept, or used.

- ☒ 12. The Court finds that the defendant is responsible for acts of domestic violence and ☒ there is an abuser treatment program, approved by the Domestic Violence Commission, reasonably available to the defendant, and the defendant shall attend and complete that program. ☐ there is not an approved abuser treatment program reasonably available. ☐ it would not be in the best interests of justice to order the defendant to complete an abuser treatment program because **AS DIRECTED BY PROBATION PER JUDGE BAILEY**

**NOTE:** See AOC-CR-603B, Page Two, Side Two, for Additional Conditions For Persons Convicted Of Domestic Violence.

## **SPECIAL CONDITIONS OF PROBATION - G.S. 15A-1343(b1), 143B-262(c)**

The defendant shall also comply with the following special conditions which the Court finds are reasonably related to the defendant's rehabilitation:

- ☐ 13. Surrender the defendant's drivers license to the Clerk of Superior Court for transmittal/notification to the Division of Motor Vehicles and not operate a motor vehicle for a period of \_\_\_\_\_ or until relicensed by the Division of Motor Vehicles, whichever is later.
- ☐ 14. Successfully pass the General Education Development Test (G.E.D.) during the first \_\_\_\_\_ months of the period of probation.
- ☐ 15. Complete \_\_\_\_\_ hours of community service during the first \_\_\_\_\_ days of the period of probation, as directed by the judicial service coordinator. The fee prescribed by G.S. 143B-262.4 is ☐ not due because it is assessed in a case adjudicated during the same term of court. ☐ to be paid ☐ pursuant to the schedule set out under Monetary Conditions above ☐ within \_\_\_\_\_ days of this Judgment and before beginning service.
- ☐ 16. Report for initial evaluation by \_\_\_\_\_ participate in all further evaluation, counseling, treatment or education programs recommended as a result of that evaluation, and comply with all other therapeutic requirements of those programs until discharged.
- ☐ 17. Not assault, threaten, harass, be found in or on the premises or workplace of, or have any contact with \_\_\_\_\_ "Contact" includes any defendant-initiated contact, direct or indirect, by any means including but not limited to telephone, personal contact, e-mail, pager, gift-giving, telefacsimile machine or through any other person, except \_\_\_\_\_
- ☒ 18. Other: **TRANSFER TO UNSUP. UPON COMPLETION OF ABUSER PROGRAM.**

- ☐ 19. Comply with the Special Conditions Of Probation which are set forth on AOC-CR-603B, Page Two.

## **ORDER OF COMMITMENT/APEAL ENTRIES**

- ☐ 1. It is ORDERED that the Clerk deliver two certified copies of this Judgment and Commitment to the sheriff or other qualified officer and that the officer cause the defendant to be delivered with these copies to the custody of the agency named on the reverse to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.
- ☒ 2. The defendant gives notice of appeal from the judgment of the District Court to the Superior Court.
- ☐ 3. The current pretrial release order is modified as follows: \_\_\_\_\_
- ☐ 4. The defendant gives notice of appeal from the judgment of the trial court to the appellate division. Appeal entries and any conditions of post conviction release are set forth on form AOC-CR-350.

## **SIGNATURE OF JUDGE**

Date <b>5/4/2012</b>	Name Of Presiding Judge (Type Or Print) <b>JUDGE KRIS BAILEY</b>	Signature Of Presiding Judge 
-------------------------	---	---

## **CERTIFICATION**

I certify that this Judgment and the attachment(s) marked below is a true and complete copy of the original which is on file in this case.

- |   |   |
|---|---|
| <input type="checkbox"/> 1. Appellate Entries (AOC-CR-350)  | <input type="checkbox"/> 4. Judicial Findings As To Required DNA Sample (AOC-CR-319)                                  |
| <input type="checkbox"/> 2. Judgment Suspending Sentence (AOC-CR-603B, Page Two) (additional conditions of probation) | <input type="checkbox"/> 5. Judicial Findings And Order For Sex Offenders - Suspended Sentence (AOC-CR-615, Side Two) |
| <input type="checkbox"/> 3. Restitution Worksheet, Notice And Order [Initial Sentencing] (AOC-CR-811)                 | <input type="checkbox"/> 6. Convicted Sex Offender Permanent No Contact Order (AOC-CR-620)                            |
|   | <input type="checkbox"/> 7. Additional File No.(s) And Offense(s) (AOC-CR-626)  |

Date	Date Certified Copies Delivered To Sheriff	Signature Of Clerk	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> CSC	<b>SEAL</b>
------	--	--------------------	---	-------------